File No. 3-15755 In the Matter of MARK FEATHERS Response to: "DIVISION OF ENFORCEMENT'S BRIEF...TO COMMISSION'S JUNE 18 2020 ORDER"

Respondent is *pro se*, as the court knows. Despite this, and without academic or practical mastery of civil, criminal, or administrative law, Respondent's reading of the latest lengthy brief of Enforcement (almost a score of pages long, with 45 footnotes) leaves Respondent with a continued impression that Enforcement appears to be speaking on their, the Commission's, and the Court's behalf, any, and all. If so, is this proper? And, Respondent is left after a reading of Enforcement's brief with an impression that Enforcement, and its legal team, believes it is a superior authority on the Rules of Practice then the Court itself. The tone conveyed on Respondent from his – perhaps simplistic - reading of Enforcement's brief shows to him Enforcement's bitterness about these proceedings, missteps Enforcement believes of this Court, and Enforcement's frustration that the Court is allowing Respondent to proceed forward in spite of Respondent's legal failures, i.e., failing to properly serve FDIC with a subpoena – this Enforcement admonishment coming despite the fact that FDIC has responded to the subpoena without itself claiming technicalities in service.

At times, it appears to Respondent that he is but a pawn in a broader agency power struggle, or in the process of drawing lines of administrative law legal demarcation, between federal agencies. And, in these proceedings Enforcement tries to draw light away from the fact that at the time of the surprise seizure of his companies, Respondent and his companies were held in good regard by SBA, FDIC, and the CA Dept. of Financial Institutions. Further proceedings, including an evidentiary review of civil court filings, should they be allowed to develop through point of trial, will allow Respondent to show this Court that many, if not most, of his investors held belief that it was the Commission that brought harm to them, not Respondent, a belief that they held at least through the date that Respondent was forced to accept a criminal plea due to his circumstances, while not holding belief that he had committed criminal actions. The standing of Respondent and his companies with federal and state agencies came crumbling down overnight upon SEC's surprise *ex parte prima facie* civil action, which included the drastic act of a seizure request under seal, and baselessly affixing the "Ponzi" label on Respondent and his funds (and thereafter leaving Respondent *pro se* for some eight years now), and Respondent's investors with little say in civil matters thereafter, due to their being held as third parties in SEC's action. In March of 2012, as will be shown in these further proceedings, The U.S. Department of Justice admitted - in open court criminal plea proceedings - that, even after five years of continuous civil and criminal legal actions and the expenses placed onto Respondent's investment funds (and onto Respondent and to his investors, therefore) from those, and in excess of one thousand court papers, and despite payment to a federal equity receiver, and his counsel, of fees in excess of $5M, investors lost only 10.5% of all their invested monies.

Enforcement, unsurprisingly, fails to see the forest, for the trees, in this OIP. Should not the primary focus for parties in this OIP (Respondent, Enforcement, the Court) be due process? The Stalker forensic report on Respondent's investment funds, ordered and paid for by federal criminal court, rebuts on its face the basis for Enforcement's submission of an *ex parte prima facie* (and "pro forma" reliant) civil seizure request in the first instance. Why does Enforcement fail to see the forest here, but for the trees? It is because past Enforcement efforts on appearance include *judicial deception*. In *"SEC v. Small Business Capital, et al"*, Enforcement shows inexplicable, gross, and material departures in GAAP and GAAS accounting, and material omissions of specific allowances of Respondent's fund offering documents. These issues have now been well catalogued by Respondent to this Court. Enforcement's pre-seizure pleadings in *"SEC v. Small Business Capital Corp., et al"*, along with the Stalker Report, should be referred now to SEC's OIG, and the U.S. Attorney, for consideration of criminal prosecution, so apparent is it that there was *judicial deception* on the part of Enforcement officers. When it is timely, the Court may call Stalker as a witness, letting her speak for herself at trial in response to the Court's, Enforcement's, and Respondent's (unfortunately, likely to be bumbling) questioning.

Respectfully,

Mark Feathers, *pro se*, Respondent Dated: 6-30-20