

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-21001

In the Matter of

MATTHEW J. SKINNER,

Respondent.

**DIVISION OF ENFORCEMENT’S RESPONSE TO
RESPONDENT’S REQUEST FOR APPOINTMENT OF COUNSEL**

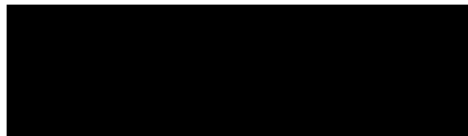
Respondent Matthew J. Skinner (“Skinner” or “Respondent”) has submitted a letter to the Secretary of the Securities and Exchange Commission in which he requests the Commission to appoint counsel to assist him. He did not serve the letter on the Division of Enforcement. Declaration of Lynn M. Dean (“Dean Decl.”) ¶ 2, Ex. 1. Respondent also served a letter making the same request on the District Court Judge assigned to the underlying securities fraud matter. Dean Decl. Ex. 2. The District Court Judge has already denied this request. Dean Decl. Ex. 3. Respondent’s request should now be denied in this proceeding because Respondent has no right to Commission-appointed counsel and the Commission does not appoint counsel to represent respondents in its administrative proceedings.

It is well established that there is no right to Commission-appointed counsel in a Commission administrative proceeding, and the Commission does not appoint counsel to represent respondents. *Rosalind Herman*, Admin. Proc. Rulings Release No. 5650, 2018 SEC LEXIS 739 at *1-3 (A.L.J. March 16, 2018) (denying Commission-appointed counsel to an incarcerated respondent who had been convicted of securities fraud); *citing Boruski v. SEC*, 340 F.2d 991, 992 (2d Cir. 1965) (“We know of no requirement that counsel be appointed in these administrative proceedings. [Commission] orders, although serious in their effect, are not criminal judgments.”); *see also Norman Pollisky*, Exchange Act Release No. 8381, 1968 SEC LEXIS 243, at *24 (Aug. 13, 1968); *see also Robert G. Bard*, Admin. Proc. Rulings Release No. 1616, 2014 SEC LEXIS 2525 (A.L.J. July 16, 2014); *A.S. Goldmen & Co.*, Initial Decisions Release No. 231, 2003 SEC LEXIS 3301, at *6 (C.A.L.J. June 27, 2003); *William F. Lincoln*, Admin. Proc. Rulings Release No. 512, 1996 SEC LEXIS 1612, at *1-2 (C.A.L.J. June 12, 1996); *Robert E. Iles*, Admin. Proc. Rulings Release No. 356, 1989 SEC LEXIS 5149, at *4-5 (C.A.L.J. Oct. 31, 1989).

For the forgoing reasons, Respondent’s request for Commission-appointed counsel should be denied.

Dated: December 12, 2023

Respectfully submitted,



Lynn M. Dean
Division of Enforcement
Los Angeles Regional Office
Securities and Exchange Commission
444 S. Flower St., Suite 900
Los Angeles, CA 90071
(323) 965-3245 (telephone)
Email: deanl@sec.gov

CERTIFICATE OF SERVICE

I certify that on December 12, 2023, I caused the foregoing document to be served on the following persons, by electronic mail, facsimile, or by USPS overnight mail as stated:

By eFAP

Vanessa Countryman, Secretary
Securities and Exchange Commission
100 F. Street, N.E., Mail Stop 1090
Washington, DC 20549-1090
Facsimile: (703) 813-9793

By USPS

Mr. Matthew J. Skinner



Lynn M. Dean

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ADMINISTRATIVE PROCEEDING
File No. 3-21001

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**DIVISION OF ENFORCEMENT'S INDEX OF EXHIBITS TO
THE DECLARATION OF LYNN M. DEAN IN SUPPORT OF
ENFORCEMENT'S OPPOSITION TO RESPONDENT'S
REQUEST FOR APPOINTMENT OF COUNSEL**

<u>Exhibit</u>	<u>Description</u>
EX 1	November 16, 2023 Letter to SEC
EX 2	November 16, 2023 Letter to District Court Judge
EX 3	November 23, 2023 Order Denying Counsel

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Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-21001

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MATTHEW J. SKINNER,

Respondent.

DECLARATION OF LYNN M. DEAN IN SUPPORT OF
DIVISION OF ENFORCEMENT'S OPPOSITION TO
RESPONDENT'S REQUEST FOR APPOINTMENT OF COUNSEL

I, Lynn M. Dean, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am the senior trial counsel representing the Division of Enforcement in this action.

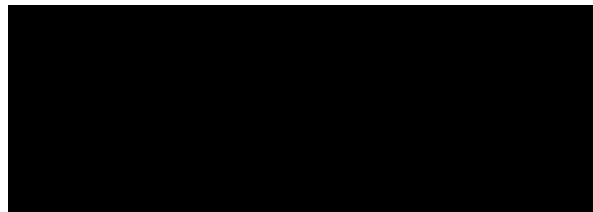
I have personal knowledge of the following facts and, if called as a witness, would testify competently thereto.

2. Attached as Exhibit 1 is a true and correct copy of a November 16, 2023 handwritten letter from Matthew J. Skinner (“Skinner”) to the Secretary of the Securities and Exchange Commission in which he requests that the Commission to appoint counsel to assist him. Skinner did not serve the letter on the Division of Enforcement.

3. Attached hereto as Exhibit 2 is a true and correct copy of a November 16, 2023 handwritten letter that Respondent served on the District Court Judge assigned to the underlying securities fraud matter. The District Court Judge has already denied this request. A true and correct copy of the November 28, 2023 Order denying Skinner’s request for court-appointed counsel in *SEC v. Skinner, et al.*, Case No. 2:21-cv-05273-SB-KS (C.D. Cal.) is attached hereto as Exhibit 3.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 12, 2023, in Los Angeles, California.

A large black rectangular redaction box covering the signature area.

Lynn M. Dean

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Lynn M. Dean