

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-22307

In the Matter of

**EPIC CAPITAL WEALTH
ADVISORS, LLC,**

Respondent.

**STATEMENT REGARDING 120-
DAY PERIOD**

Pursuant to the Commission's Order of November 27, 2024 (the "Order"), the Division of Enforcement ("Division") submits the following statement:

1. Respondent Epic Capital Wealth Advisors, LLC ("Epic Capital") filed an application for registration as an investment adviser with the Commission on September 24, 2024; Epic Capital amended its application on October 2, and October 25, 2024.

2. On November 8, 2024, the Securities and Exchange Commission issued an order instituting proceedings against Epic Capital to determine whether its pending application for registration as an investment adviser should be denied pursuant to Section 203(c)(2)(B) of the Investment Advisers Act of 1940.

3. That Section provides, in relevant part, that such proceedings "shall be concluded within one hundred twenty days of the date of the filing of the application for registration," absent an extension "for up to ninety days" for good cause or "for such longer period as to which the applicant consents." 15 U.S.C. § 80b-3(c)(2)(B).

4. In its Order, the Commission directed the parties to file a statement as to whether the 120-day period specified under Section 203(c)(2)(B) runs from the initial filing of Epic Capital's application for registration or from the filing of the most recent amendment

to its application and identifying the date that the 120-day period ends in this case.

- a. Respondent's position is that the 120-day period runs from the initial filing date (September 24, 2024), in which case the 120-day period would end January 22, 2025.¹
- b. The Division's position is that the 120-day period runs from the date of the last amendment (October 25, 2024), in which case the 120-day period would end February 24, 2025.²

5. The Order also directed the parties to advise the Commission about whether Epic Capital consents to any longer period (and, if so, when that longer period would end). Epic Capital consents to a longer period, ending April 22, 2025.³

6. In light of Epic Capital's consent to a longer period, the Commission need not decide whether the 120-day period runs from the date of the initial filing or the last amendment, as Epic Capital has consented to extend the statutory period to April 22, 2025.

Respectfully submitted this 10th day of December 2024.

s/ Ian Kellogg
Ian Kellogg
Division of Enforcement
Securities and Exchange Commission
Denver Regional Office
1961 Stout Street, Ste. 1700
Denver, CO 80294

¹ The Division statement of Respondent's position is based on a December 2, 2024, email from Respondent's principal, David Anthony. The undersigned emailed Anthony on December 2, 6, and 9, 2024, asking him to confirm Epic Capital's position prior to filing. Although Anthony sent the undersigned several emails during this time period, he made no further statement on Epic Capital's position.

² 120 days from the last amendment (October 25, 2024) is February 22, 2025. Because that is a Saturday, the 120-day period runs to the next day that is not a Saturday, Sunday, or Federal legal holiday, *see* 17 C.F.R. § 201.160(a), which is Monday, February 24, 2025.

³ This statement is based on Anthony's email of December 2, 2024, referenced above. *Supra* note 1. April 22, 2025, is 90 days from January 22, 2025.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on the following on December 10, 2024, in the manner indicated below:

Epic Capital Wealth Advisors, LLC (via email)
c/o Mr. David Anthony
dave@epiccapitalwealth.com

s/ Ian Kellogg _____
Ian Kellogg
Division of Enforcement
Securities and Exchange Commission