

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 96822 / February 7, 2023

INVESTMENT ADVISERS ACT OF 1940
Release No. 6230 / February 7, 2023

Admin. Proc. File Nos. 3-20248; 3-20249

In the Matter of

WESLEY KYLE PERKINS
and
WORLD TREE FINANCIAL, LLC

ORDER TO SHOW CAUSE

On March 22, 2021, the Securities and Exchange Commission instituted proceedings, which were subsequently consolidated, against Wesley Kyle Perkins and World Tree Financial, LLC (“Respondents”).¹ Respondents, who are represented by common counsel, filed answers to the OIPs on May 28, 2021. On July 22, 2022, the Commission issued an order setting a summary disposition briefing schedule, requiring that briefs in support of motions for summary disposition be filed by August 19, 2022, opposition briefs be filed by September 16, 2022, and reply briefs be filed by September 30, 2022.² On August 19, 2022, the Division of Enforcement filed a motion for summary disposition against Respondents.

¹ *Wesley Kyle Perkins*, Exchange Act Release No. 91378, 2021 WL 1168555 (Mar. 22, 2021) (order instituting proceedings); *World Tree Fin., LLC*, Advisers Act Release No. 5702, 2021 WL 1168567 (Mar. 22, 2021) (order instituting proceedings); *Wesley Kyle Perkins*, Exchange Act Release No. 95353, 2022 WL 2903858, at *3 (July 22, 2022) (order consolidating proceedings and setting summary disposition briefing schedule).

² *Perkins*, 2022 WL 2903858, at *3.

On November 8, 2022, we issued an order extending the time for Respondents to file an opposition brief until December 6, 2022.³ As of the date of this order, Respondents have not filed an opposition brief.

Accordingly, Respondents are ORDERED to SHOW CAUSE by February 21, 2023, why they should not be deemed in default and why this proceeding should not be determined against them due to their failure to respond to the Division's motion or otherwise defend this proceeding. Respondents's submission shall address the reasons for their failure to timely file a response to the Division's motion, and address the substance of the Division's request for sanctions.

If Respondents respond to this order to show cause, the Division may file a reply within 14 days after its service. If Respondents do not file a response, the Division's motion for summary disposition shall be construed by the Commission as a motion for entry of an order of default and the imposition of remedial sanctions.

When a party defaults, the allegations in the OIP will be deemed to be true and the Commission may determine the proceeding against that party upon consideration of the record without holding a public hearing.⁴ The briefing schedule order informed Respondents that a failure to file a brief may result in the determination of the matter at issue against them, entry of default, or the prohibition of the introduction of evidence or the exclusion of testimony regarding the matter at issue.⁵

³ *Wesley Kyle Perkins*, Exchange Act Release No. 96258, 2022 WL 16834138 (Nov. 8, 2022). In this order we also denied a motion by Respondents' counsel to withdraw as counsel for Respondents, and stated that "[i]f counsel for Respondents wish to withdraw, they must serve and file a notice of withdrawal that complies with Rule 102(d)(4)." *Id.* Respondents' counsel have not filed a notice of withdrawal.

⁴ Rules of Practice 155, 180, 17 C.F.R. §§ 201.155, .180.

⁵ *Perkins*, 2022 WL 2903858, at *3; *see also* Rules of Practice 155(a)(2), 180(c), 17 C.F.R. §§ 201.155(a)(2), .180(c); *see, e.g., McBarron Capital LLC*, Exchange Act Release No. 81789, 2017 WL 4350655, at *3-5 (Sep. 29, 2017); *Bennett Grp. Fin. Servs., LLC*, Exchange Act Release No. 80347, 2017 WL 1176053, at *2-3 (Mar. 30, 2017), *abrogated in part on other grounds by Lucia v. SEC*, 138 S. Ct. 2044 (2018); *Behnam Halali*, Exchange Act Release No. 79722, 2017 WL 24498, at *3 n.12 (Jan. 3, 2017); *Apollo Publ'n Corp.*, Securities Act Release No. 8678, 2006 WL 985307, at *1 n.6 (Apr. 13, 2006).

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁶

Upon review of the filings in response to this order, the Commission will either direct further proceedings by subsequent order or issue a final opinion and order resolving the matter.

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

⁶ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-12-30/pdf/2020-25747.pdf>; *see also Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments also impose other obligations on parties to administrative proceedings such as a redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465–81.