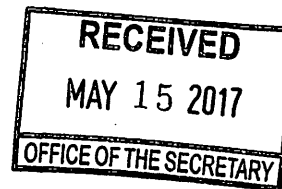


UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION



ADMINISTRATIVE PROCEEDING
File No. 3-17651

Administrative Law Judge
Cameron Elliot

In the Matter of

ADRIAN D. BEAMISH, CPA,

Respondent.

:
: RESPONDENT ADRIAN D. BEAMISH'S
: MOTION TO INCLUDE IN EVIDENCE
: COMPLETE SETS OF WORKPAPERS
: FOR RELEVANT AUDIT YEARS
:
:
:

I. Introduction

Respondent Adrian Beamish respectfully requests that the Court reconsider its decision to exclude from evidence Respondent's proposed Exhibits 1047, 1073, 1097, and 1112, which contain the complete electronic set of PricewaterhouseCoopers' 2009-2012 Fund III audit workpapers. Because these complete workpapers lie at the heart of the issue presented by these proceedings—the sufficiency of Respondent's audits—and were fully produced to the Division long ago, they should be admitted to complete the record and provide probative evidence of Respondent's conduct during the audits in question. Respondent in particular will, through expert testimony and through his own case, refer to many aspects, qualities, and metrics of the entire workpaper set, to demonstrate the thoroughness of PwC's audits. As admitting the entire workpaper sets into evidence has precedent in this type of proceeding, and there will be no surprise to the Division as any specific workpapers anticipated to be used in examining witnesses have been specifically identified to the Division, Respondent respectfully requests the workpapers be admitted.

II. Legal Standard

Under the Rules of Practice, the presiding ALJ “may receive relevant evidence and shall exclude all evidence that is irrelevant, immaterial, unduly repetitious, or unreliable.” 17 C.F.R. § 201.320(a); *see* Amendments to the Commission's Rules of Practice, 81 Fed. Reg. 50212, 50229-30 (July 29, 2016). This threshold for admissibility of evidence in Commission proceedings is “quite low.” *In the Matter of Lynn Tilton*, Admin. File No. 3-16462, Order at 2 (ALJ Oct. 12, 2016); *City of Anaheim*, Exchange Act Release No. 42140, 1999 SEC LEXIS 2421, at *4-5 & n.5-7 (Nov. 16, 1999). As used in Rule 320, the notion of the term relevance “is

much broader than that concept under the Federal Rules of Evidence.” *City of Anaheim*, at *4. The Commission’s administrative law judges are thus directed to be “inclusive in making evidentiary determinations.” *Id.*

III. Analysis

In a case about whether an audit was performed in compliance with auditing standards, the workpapers are essential. As contemporaneous evidence of the audit execution, the workpapers are highly probative of Respondents’ professional conduct. As such, they should be admitted under Rule 320’s permissive standard, the rulings of other ALJ’s in analogous cases, and this Court’s reasoning in this hearing and prior cases.

First, these complete sets of workpapers should be admitted for the sake of completeness. The Division has leveled accusations that improper audits were performed, but objects to Respondent being permitted to present the full body of work that was performed. While Mr. Beamish has no intention of using specific portions of the work papers not previously identified during the course of witness examinations, he must be permitted to provide context and present probative evidence. The Court ascertained on the record from the Division that all of the workpapers proposed in these four exhibits have been produced during the investigation and made a part of the investigative file, and that the body of workpapers produced was the same as the four proposed exhibits. *See* Exhibit A, Trial Transcript at 218:16-19. As such, there is no danger of unfair surprise from these proposed exhibits. *See* Scheduling and General Prehearing Order (Dec. 29, 2016) (requiring exhibit lists in this matter to “include all documents that a party expects to use in the hearing for any purpose” because “[c]omprehensive exhibit lists prevent other parties from being surprised”).

Without the complete set of workpapers moved into evidence, the fact and expert witnesses will be testifying upon an incomplete record. Respondent's expert witness on GAAS issues, Gary Goolsby, submitted his expert report based in part on his review of the PwC workpapers, and had access to and assessed these materials for scope and thoroughness. He lists the Materials Considered in the formulation of his report. Mr. Goolsby had access to documents with BATES stamps PWC 00001 – PWC 34524, which are all of the PwC audit workpapers from its 2006 – 2012 audits of the Burrill funds. *See Exhibit 1133, Initial Expert Report of Gary Goolsby at Appendix 2.* Likewise, William Holder, Respondent's expert on GAAP issues, listed a more limited set of workpapers that included all workpapers for all years relevant to the GAAP questions upon which he opines. *See Exhibit 1196, Initial Expert Report of William Holder, at Appendix C.*

The Division's expert similarly contends his report was prepared in reliance on PwC's workpapers. He lists BATES stamps PWC 05771 to PWC 53594, in addition to a host of other documents. *See Trial Exhibit 300, Expert Report of Harris Devor, at Exhibit #3.* Mr. Devor's BATES range contains all of the workpapers in the four exhibits Respondent proposes to admit.

Likewise, the fact witnesses have and will continue to make statements about the workpapers and audit, some of which assertions require a more full understanding of the workpapers than the individual documents planned to be presented to each witness. For example, Ms. Sen testified that the valuation specialist, Grant Thornton, provided documents to PwC in the course of their audits. Messrs. Burger and Lan spoke to the depth and length of the annual audit procedure, and the sequencing of tasks and where the core issues fit into this progression of work and analysis.

In light of this, while the most critical portions of the workpapers have been submitted as separate exhibits, additional portions of the workpapers may be relevant to corroborate the trial testimony of Respondent's experts and fact witnesses, or to rebut the testimony of the Division's expert and fact witnesses, both at the hearing itself and in post-hearing briefing.

Moreover, the very magnitude and thoroughness of the workpapers prepared by Mr. Beamish and his team is itself a relevant piece of evidence in this case. The Division's case focuses on one small component of the Fund III audits—an expense that was both tested and repeatedly, accurately disclosed to investors—without acknowledging the significant portions of the audit, unchallenged by the Division, which presented far greater risk of misstatement.

Even if each workpaper is not individually considered by the Court or presented by the parties in the course of the hearing, they should be admitted into the record. *Charles P. Lawrence*, 43 S.E.C. 607, 612 (1967) (“[T]he generally accepted view favors liberality in the admission of evidence in administrative proceedings, and all evidence which ‘can conceivably throw any light upon the controversy’ [should] normally be admitted.”) (internal citation omitted); *In the Matter of David S. Hall*, Admin. File No. 3-17228 (ALJ, Oct. 14, 2016) (when applying Rule 320's “broad standard, there is no reason to exclude” potentially relevant evidence).

Additionally, the volume of the electronic workpapers or the fact that they are compilation exhibits should not deter the Court from admitting them.¹ Other compilation exhibits have been used in this matter by the SEC in its investigative interviews and already admitted as exhibits in this hearing. *See, e.g.*, Exhibit 212 (compilation of Helena Sen's “Cash

¹ Given that a man's career hangs in the balance, Respondent contends that it is not too much to ask that the record include approximately 5,200 workpapers covering a four-year audit period for the Burrill funds audited by Respondent.

Needed” Spreadsheets); Exhibit 1310 (compilation of documents related to calculations of capital calls for Fund III). Other ALJ’s have admitted compilation documents as a matter of course. *See In the Matter of The Registration Statement of International Precious Metals, Inc.*, Admin. File No. 3-16511, Initial Decision of Default at 2 (ALJ, Jun. 10, 2015) (admitting two compilation exhibits: (1) a compilation of Respondent’s Form S-1 and amendment; and (2) a compilation of emails). In fact, an ALJ presented with this precise question admitted complete sets of audit workpapers in a Rule 102(e) proceeding concerning alleged improper professional conduct and the sufficiency of an audit. *See Exhibit B (excepts from John J. Aesoph, CPA*, Admin. File No. 3-15168, admitting all workpapers from relevant audit year).

Finally, this Court has indicated in prior decisions that workpapers are essential to evaluate whether an audit has been sufficient under applicable auditing standards. In *In the Matter of BDO China*, Admin. File Nos. 3-14872, 3-15116, Initial Decision (ALJ, Jan. 22, 2014), this Court expressed that workpapers are at the core of relevant evidence in an auditing case. In that matter, this Court found credible testimony that audit work papers “help to assess liability, in that they may reveal whether a company has been honest with its auditors, whether the auditors opined that the company’s conduct was proper, or whether the auditors were complicit in the company’s misconduct.” Initial Decision at 32. The Initial Decision also credited the expert witness’s opinion that “audit work papers often constitute the best contemporaneous documentary evidence of the financial state of an issuer, *and he is not aware of any other single set of documentary evidence that would represent an alternative source for this information.*” *Id.* at 72. The workpapers were necessary to make “an assessment of the adequacy of the audit work performed, which requires reviewing the independent auditor’s work papers.” Initial Opinion at 72-73. In addition to their value providing context to the Division’s

allegations, these workpapers are simply relevant and probative evidence to decide the question before the Court.

IV. REQUESTED RELIEF

The body of work reflected in the complete workpapers lies at the heart of this case. Accordingly, Respondent respectfully requests that the Court reverse its prior ruling rejecting Exhibits 1047, 1073, 1097, and 1112.

V. CONCLUSION

For the foregoing reasons, Respondent respectfully requests that the Court grant Respondent's Motion and admit Exhibits 1047, 1073, 1097, and 1112.

Dated: May 15, 2017

Respectfully submitted,

THAD DAVIS / AEM

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Marc J. Fagel

Monica K. Loseman

Trial Counsel for Adrian D. Beamish

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UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-17651

Administrative Law Judge
Cameron Elliot

In the Matter of

ADRIAN D. BEAMISH, CPA,

Respondent.

:
: DECLARATION OF THAD A. DAVIS IN
: SUPPORT OF RESPONDENT ADRIAN
: D. BEAMISH'S MOTION TO INCLUDE
: IN EVIDENCE COMPLETE SETS OF
: WORKPAPERS FOR RELEVANT
: AUDIT YEARS

I, Thad A. Davis, declare as follows:

1. I am an attorney licensed to practice law in the District of Columbia and the State of California and a partner at the law firm of Gibson, Dunn & Crutcher LLP. I represent the respondent, Adrian D. Beamish, in the above-captioned matter. I make this declaration in support of Respondent Adrian D. Beamish's motion to include in evidence complete sets of workpapers for relevant audit years. I have personal knowledge of the matters set forth herein, and if called upon to testify, I could and would competently testify thereto.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the transcript of this hearing on May 8, 2017.

3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the transcript of the hearing in *In the Matter of John J. Aesoph, CPA, and Darren M. Bennett, CPA*, Admin. File No. 3-15168, Hearing Vol. 7, October 29, 2013.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in San Francisco, California, this 15 of May, 2017.

By: Thad Davis / AEM
Thad A. Davis

Attorney for Respondent Adrian D.
Beamish

EXHIBIT A

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

In the Matter of:)
) File No. 3-17651
ADRIAN D. BEAMISH, CPA)

ADMINISTRATIVE PROCEEDINGS - HEARING, VOLUME I

PAGES: 1 through 276
PLACE: Phillip Burton Federal Building
 450 Golden Gate Avenue
 San Francisco, California 94102
DATE: Monday, May 8, 2017

The above-entitled matter came on for hearing,
pursuant to notice, at 9:30 a.m.

BEFORE:

CAMERON ELLIOT, ADMINISTRATIVE LAW JUDGE

Diversified Reporting Services, Inc.
(202) 467-9200

1 APPEARANCES:

2

3 On behalf of the Securities and Exchange Commission:

4 E. BARRETT ATWOOD, ESQ.

5 ROBERT L. TASHJIAN, ESQ.

6 WALKER NEWELL, ESQ.

7 HEATHER MARLOW, ESQ.

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13

14 On behalf of the Respondent:

15 THAD A. DAVIS, ESQ.

16 MARC J. FAGEL, ESQ.

17 MONICA K. LOSEMAN, ESQ.

18 NICOLA M. PATERSON, ESQ.

19 JOHN RESIGNO, Staff Accountant

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21 555 Mission Street, Suite 3000

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C O N T E N T S

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WITNESSES:	DIRECT	CROSS	REDIRECT	RE CROSS
Roger Wyse				
By Ms. Marlow	20		184, 198	
By Mr. Davis		143		195

1 (Division Exhibit Nos. 319 and 320 were
2 received in evidence.)

3 JUDGE ELLIOT: Okay. Give me a moment here.
4 Okay. So let's move on to respondent's.

5 MR. ATWOOD: Yes, Your Honor. First four are
6 Exhibit numbers 1047, 1073, 1097, 1112. These are the
7 complete electronic versions of PricewaterhouseCoopers'
8 work papers for the 2009 through 2012 audits of Fund III.
9 We have met and conferred with respondent.

10 First, we think these are on this issue
11 because, per Your Honor's prehearing order, paragraph 4,
12 there's definitely an indication by the Court not to have
13 any surprise at hearing. These volumes are quite
14 voluminous. I think they are approximately 3,000 pages
15 each. We offered to respondent if they wanted to pull
16 anything out of the work papers and present separately as
17 a stand-alone exhibit we would not object. That was not
18 done, other than the ones that have already been
19 identified on the exhibit list.

20 We also think that putting all of this paper
21 into the record is unduly repetitive and voluminous.

22 JUDGE ELLIOT: Okay. Mr. Fagel?

23 MR. FAGEL: Well, for the sake of completion
24 there are accusations that improper audits were prepared,
25 and in order to have that in context we think we need to

1 be able to look to the full body of work that was
2 performed. We have told the Division we have no
3 intention of using specific portions of the work papers
4 we have not previously identified. But before we hear
5 from their witnesses and from their expert, we can't be
6 sure that they are not going to make allegations or
7 assertions that don't require us to look elsewhere in the
8 work papers.

9 And in terms of volume, this is not unusual.
10 If you have an audit case it's not crazy to have the work
11 papers in the record.

12 JUDGE ELLIOT: Were there work papers produced
13 during the investigation and made part of the
14 investigative file?

15 MR. ATWOOD: Yes, Your Honor.

16 JUDGE ELLIOT: Was it the same volume as these
17 four exhibits here?

18 MR. ATWOOD: That's my understanding. I don't
19 believe we've done a comparison.

20 JUDGE ELLIOT: So -- oh, well, hold on. Let me
21 look here. Okay. So this is what we've got here. I'll
22 look at Exhibit 1112, the first one is PWC 5771. It's
23 got the Bates number PWC 5771.

24 Does that indicate it's part of the
25 investigative file or is that just something produced by

1 PWC?

2 MR. ATWOOD: I believe these that you're
3 looking at have been produced in the investigation. There
4 are other documents that have similar Bates numbers that
5 were produced in the private litigation. But I believe
6 it's fair to say that these four exhibits were produced
7 in the investigation.

8 JUDGE ELLIOT: All right. Well --

9 MR. ATWOOD: In electronic format, I should
10 say.

11 JUDGE ELLIOT: I said before, really just
12 jokingly, that parties can put in the phone book, and I
13 kind of feel like you're trying to put in the phone book
14 here, Mr. Fagel.

15 Surely at this point we have some idea of what
16 the relevant parts of the work papers are, and you could
17 select those.

18 MR. FAGEL: We do and that's why I have no
19 reason to believe, sitting here today or standing here
20 today, that there are going to be any portion of the work
21 papers that we introduce ourselves that have not already
22 been separately identified.

23 But again, without knowing exactly what the
24 testimony will be, that may change. And if something
25 comes to light, if there's a reference to the work papers

EXHIBIT B

1 THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION

2

3 In the Matter of:)

4) File No. 3-15168

5 JOHN J. AESOPH, CPA, AND) Amended: 12/2/2013

6 DARREN M. BENNETT, CPA)

7

8 ADMINISTRATIVE PROCEEDING - HEARING, VOLUME VII

9 PAGES: 1646 through 1958

10 PLACE: Byron White Courthouse

11 1823 Stout Street, Courtroom II

12 Denver, CO 80202

13 DATE: Tuesday, October 29, 2013

14

15 The above-entitled matter came on for hearing,

16 pursuant to notice, at 8:32 a.m.

17

18 BEFORE:

19 CAROL FOX FOELAK, Administrative Law Judge

20

21

22

23

24 Diversified Reporting Services, Inc.

25 (202) 467-9200

1 APPEARANCES:

2

3

4 On behalf of the Securities and Exchange Division:

5 THOMAS KRYSA, ESQ.

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14 On behalf of Respondent John J. Aesoph:

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16 MONICA K. LOSEMAN, ESQ.

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1 APPEARANCES (CONT.):

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4 On behalf of Respondent Darren Bennett:

5 GARY F. BENDINGER, ESQ.

6 KEVIN A. BURKE, ESQ.

7 BEN HOFFART, ESQ.

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10 New York, New York 10019

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CONTENTS

WITNESSES: DIRECT CROSS REDIRECT RECROSS

[REDACTED]

[REDACTED]

[REDACTED]

1 CONTENTS (CONT.)

2

3 DIVISION EXHIBITS (Premarked): RECEIVED

4	109	1797
5	136	1752
6	229-A	1803
7	239	1908
8	240	1908
9	241	1908

10

11 RESPONDENTS' EXHIBITS (Premarked): RECEIVED

12	1	1653
13	2	1653
14	3	1653
15	5	1653
16	6	1654
17	7	1654
18	8	1654
19	9	1654
20	10	1655
21	11	1655
22	12	1655
23	13	1655
24	14	1656
25	15	1656

1 CONTENTS (CONT.)

2

3 RESPONDENTS' EXHIBITS (Premarked): RECEIVED

4	16	1656
5	17	1656
6	42	1920
7	43A	1815
8	203	1804
9	234	1676
10	235	1676
11	254	1914
12	257	1837
13	258	1840
14	259	1943

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1 PROCEEDINGS

2 JUDGE FOELAK: Ready to proceed?

3 MR. BURKE: Yes, Your Honor.

4 I thought we might start with a bit of
5 housekeeping with respect to exhibits, if it pleases
6 the Court.

7 JUDGE FOELAK: Okay.

8 MR. BURKE: So Respondents have marked all
9 of the 2008 work papers as exhibits. And we've
10 admitted – or offered for admission and some have
11 admitted on a component basis. I thought we should
12 at this time move them all in exhibit by exhibit.

13 JUDGE FOELAK: Okay.

14 MR. BURKE: And so if there are 17, and I
15 can go through each one if that's the best way to do
16 it.

17 JUDGE FOELAK: Okay.

18 MR. BURKE: Making it easier as they are
19 numbered 1 through 17.

20 JUDGE FOELAK: Okay.

21 MR. BURKE: So the first Respondents'
22 joint exhibit is the year-end 2008 work paper binder
23 1 of 12, Respondents' 1.

24 JUDGE FOELAK: Okay. Respondents' 1 is
25 admitted.

1 (Respondents' Exhibit No. 1 was
2 received in evidence.)

3 MR. BURKE: Second year-end work paper
4 binder 2 of 12, that's Respondents' 2.

5 JUDGE FOELAK: Respondents' 2 is admitted.

6 (Respondents' Exhibit No. 2 was
7 received in evidence.)

8 MR. BURKE: Third is year-end 2008 work
9 paper binder 3 of 12, Respondents' 3.

10 JUDGE FOELAK: Okay. Respondents' 3 is
11 admitted.

12 (Respondents' Exhibit No. 3 was
13 received in evidence.)

14 MR. BURKE: The fourth is year-end 2008
15 work papers 4 of 12, that's Respondents' 4.

16 JUDGE FOELAK: Okay. I think Respondents'
17 4 is already admitted, but if it isn't, Respondents'
18 4 is admitted.

19 MR. BURKE: Okay. The fifth is year-end
20 2008 work paper binder 5 of 12, that's
21 Respondents' 5.

22 JUDGE FOELAK: Okay, Respondents' 5 is
23 admitted.

24 (Respondents' Exhibit No. 5 was
25 received in evidence.)

1 MR. BURKE: 6 is 2008 work papers binder 6
2 of 12, Respondents' 6.

3 JUDGE FOELAK: Okay. Respondents' Exhibit
4 6 is admitted.

5 (Respondents' Exhibit No. 6 was
6 received in evidence.)

7 MR. BURKE: If we haven't already offered
8 for admission 7, 7 is 2008 work paper binder 7 of
9 12.

10 JUDGE FOELAK: Okay. 7 is admitted.

11 (Respondents' Exhibit No. 7 was
12 received in evidence.)

13 MR. BURKE: 8 is year-end 2008 work paper
14 binder 8 of 12, that's Respondents' 8.

15 JUDGE FOELAK: Okay. Respondents' 8
16 admitted.

17 (Respondents' Exhibit No. 8 was
18 received in evidence.)

19 MR. BURKE: 9 is year-end 2008 work paper
20 binder 9 of 12, that's Respondents' 9.

21 JUDGE FOELAK: Okay. Respondents' 9 is
22 admitted.

23 (Respondents' Exhibit No. 9 was
24 received in evidence.)

25 MR. BURKE: 10 is year-end 2008 work paper

1 binder 10 of 12, that's Respondents' 10.

2 JUDGE FOELAK: Okay. Respondents' 10 is
3 admitted.

4 (Respondents' Exhibit No. 10 was
5 received in evidence.)

6 MR. BURKE: 11 is year-end 2008 work paper
7 binder 11 of 12, that's Respondents' 11.

8 JUDGE FOELAK: Okay. Respondents' is 11
9 admitted.

10 (Respondents' Exhibit No. 11 was
11 received in evidence.)

12 MR. BURKE: 12 is year-end 2008 work paper
13 binder 12 of 12, that's Respondents' 12.

14 JUDGE FOELAK: Okay. Respondents' 12 is
15 admitted.

16 (Respondents' Exhibit No. 12 was
17 received in evidence.)

18 MR. BURKE: Those are the year-end work
19 papers. The balance are the quarterly work paper
20 binders. So the Q1 2008 work paper binder, that is
21 Respondents' 13.

22 JUDGE FOELAK: Okay. Respondents' 13 is
23 admitted.

24 (Respondents' Exhibit No. 13 was
25 received in evidence.)

1 MR. BURKE: The Q2 2008 work paper binder,
2 that's Respondents' 14.

3 JUDGE FOELAK: Okay. Respondents' 14 is
4 admitted.

5 (Respondents' Exhibit No. 14 was
6 received in evidence.)

7 MR. BURKE: The Q3 2008 work paper binder
8 1 of 2, that's Respondents' 15.

9 JUDGE FOELAK: Okay. Respondents' 15 is
10 admitted.

11 (Respondents' Exhibit No. 15 was
12 received in evidence.)

13 MR. BURKE: The Q3 work paper binder 2 of
14 2, that's Respondents' 16.

15 JUDGE FOELAK: Okay. Respondents' 16 is
16 admitted.

17 (Respondents' Exhibit No. 16 was
18 received in evidence.)

19 MR. BURKE: And the Q4 work paper binder
20 is Respondents' 17.

21 JUDGE FOELAK: Okay. Respondents' 17 is
22 admitted.

23 MR. BURKE: Thank you, Your Honor.

24 (Respondents' Exhibit No. 17 was
25 received in evidence.)

1 JUDGE FOELAK: Are these ones like 15A and
2 15B within those binders?

3 MR. BURKE: Yes, Your Honor. What we have
4 done is to cut out certain selections, not every
5 component, but certain selections so that it's
6 easier to maneuver with a witness or any event in
7 the courtroom, but we would like to have all of them
8 in admission or offered for admission.

9 JUDGE FOELAK: Okay. Very good. Thank
10 you.

11 MR. BENDINGER: May we proceed, Your
12 Honor?

13 JUDGE FOELAK: Yes.

14 MR. BENDINGER: Thank you.

15 JUDGE FOELAK: Mr. Bennett, I remind you
16 you're still under oath.

17 MR. BENNETT: Yes, Your Honor.

18 Whereupon,

19 DARREN M. BENNETT

20 was recalled as a witness and, having been
21 previously duly sworn, was examined and testified
22 further as follows:

23 DIRECT EXAMINATION BY COUNSEL FOR

24 RESPONDENT DARREN M. BENNETT

25 (RESUMED)

1 BY MR. BENDINGER:

2 Q Good morning, Mr. Bennett.

3 A Good morning.

4 Q Let's see if we can't get you out of that
5 chair today. Yesterday we talked some about Mr.
6 Kellogg's role with respect to the ALLL estimation
7 process.

8 Do you recall that?

9 A Yes, I do.

10 Q And we put up a document from the
11 management binder, and I would like to go back to
12 that document. It's Exhibit R-2A, and I would like
13 to go to page 40.

14 Yesterday you read into the record or at
15 least pointed out part of the paragraph I think in
16 the fifth column over. And I don't want to go back
17 through all of that, but do you see that there's a
18 sentence that starts, The finance department will
19 refresh the balances in the 114 templates?

20 A Yes, I do.

21 Q Can you read that into the record, please?

22 A It says: The finance department will
23 refresh the balances in the SFAS 114 templates for
24 existing impaired loans on a monthly basis and
25 provide to the SAE, which means special assets

Certificate of Service

On May 15, 2017, the foregoing "Respondent Adrian D. Beamish's Motion to Include In Evidence Complete Sets of Workpapers For Relevant Audit Years" was sent to the following parties and other persons entitled to notice as follows:

Securities and Exchange Commission
Brent Fields, Secretary
100 F Street, NE
Mail Stop 1090
Washington, D.C. 20549
(Original and three copies by courier)

Honorable Cameron Elliot
Administrative Law Judge
100 F Street, NE.
Mail Stop 2557
Washington, D.C. 20549
(ALJ@sec.gov)
(Courtesy copy by electronic mail and UPS)

E. Barrett Atwood, Esq.
Robert L. Tashjian, Esq.
Securities and Exchange Commission
San Francisco Regional Office
44 Montgomery Street, Suite 2800
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(By electronic mail and UPS)

By: 

Avery E. Masters