

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-21243

In the Matter of

The Registration Statement of

American CryptoFed DAO LLC,

Respondent.

**DIVISION OF ENFORCEMENT'S RESPONSE TO AMERICAN
CRYPTOFED'S MOTION TO REQUEST THE PUBLIC HEARING
SCHEDULE TO BE POSTED ON THE SEC WEBSITE
UPON SCHEDULING OF THE HEARING**

The Division of Enforcement ("Division"), by counsel, respectfully submits this response to Respondent American CryptoFed DAO LLC's ("Respondent" or "American CryptoFed"): Motion to Request the Public Hearing Schedule to be Posted on the SEC Website Upon Scheduling of the Hearing.

BACKGROUND

On November 18, 2022, the Commission issued the Order Fixing Time and Place of Public Hearings and Instituting Administrative Proceedings Pursuant to Section 8(d) of the Securities Act of 1933 ("OIP") in this matter. The OIP directed in part that:

public proceedings be and hereby are instituted under Section 8(d) of the Securities Act, such hearing to be commenced at 10:00 A.M. on December 1, 2022 via remote means and/or in Hearing Room 1 at the Commission's offices at 100 F Street N.E., Washington, DC 20549, and

to continue thereafter at such time and place as the hearing officer may determine.

The OIP was publicized by the Commission on its website and through a Press Release.

Subsequently, but still on November 18, 2022, the Hearing Officer issued an order that the hearing would be held remotely by Webex. This order was also publicized on the SEC's website.

The hearing began on December 1, 2022 via Webex. Consistent with Rule of Practice 301's requirement that SEC administrative proceeding hearings generally be public, a live webcast of the hearing was viewable on the SEC's webpage, and a link to the webcast was prominently displayed near the top of the main landing page, sec.gov, beginning approximately one hour before the hearing commenced, and continuing for the duration of the hearing that day. *See* 17 C.F.R. 201.301. The same was true for the subsequent hearing sessions on December 2, 2022 and December 6, 2022.

Notably, the Division does not control such arrangements, but can only makes requests to staff in other offices and divisions. Here, the Division has been told that the broadcast arrangements for the subsequent hearing dates will be the same.

Historically, (prior to the COVID-19 pandemic and the widespread adoption of Webex, Zoom, and other similar video-conferencing software) hearings in SEC administrative proceedings were typically held in person, either at the SEC's headquarters building or, where appropriate, another location. In order to observe

these proceedings, a person had to physically travel from wherever they were located to Washington, D.C. (or the other hearing location), at their own expense, and watch the hearings. Standard security arrangements in government buildings and rules in hearing rooms regarding the use of computers and phones made it difficult, if not impossible, for a person to simultaneously conduct any other business while attending the hearing. Thus, observing a hearing not only required the expense of travel, but the sacrifice of a significant amount of either personal or business time.

In this case, however, the hearing has been broadcast to the entire world on the SEC's website. Anyone who wishes to watch the hearing can easily do so. They can do so while conducting other business. And they can do so for free. The link to watch the hearing has been prominently displayed on the SEC's main website page. And the time and date for resuming each session of the hearing has been publicly discussed near the end of each previous hearing session. Thus, anyone who was watching on December 1, 2022 was informed of when the hearing would resume on December 2, 2022; anyone who was watching on December 2, 2022 was informed of when the hearing would resume on December 6, 2022, and anyone who was watching on December 6, 2022, was informed of the schedule to resume on January 18, 2023 (and January 19 and 20 if needed).

Additionally, each Order, Motion, and Opposition in this matter is being publicly posted on the SEC's website at the following location:

<https://www.sec.gov/litigation/apdocuments/ap-3-21243.xml>, a partial screenshot of which is pasted below.



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Administrative Proceeding File No. 3-21243

Respondents:

American Cryptofed DAO LLC

Documents

Release Date	Release Number	Other Release Numbers	Name of Document
Nov. 18, 2022	33-11134		Order Fixing Time and Place of Public Hearings and Instituting Administrative Proceedings Pursuant to Section 8(d) of the Securities Act of 1933
Nov. 18, 2022	AP-6881		Order
Nov. 22, 2022	AP-6882		Order
Nov. 25, 2022	AP-6884		Order
Nov. 25, 2022			Respondent's Motion to Request Clarification on Authorized Decision Maker and Timely Decision Regarding Motion for Time Schedule Extension with Exhibits 1-2
Nov. 25, 2022			Respondent's Motion to Hold Prehearing Conference Pursuant to Rule 221(d) Required Prehearing Conference with Exhibits 1-2
Nov. 29, 2022	AP-6886		Order
Nov. 29, 2022			Division's Omnibus Response to Respondent's Recent Motions with Exhibits 1-5
Nov. 29, 2022			Respondent's Motion to Stay Order Requiring to Confer and File a Joint Report with Exhibits 1-5

Although there appears to be a delay of several days between a motion being filed and it being posted (potentially due to Respondent's habit of continually filing numerous meritless motions), the motions, responses, and orders are being publicly posted. Although the Division does not control this webpage, the Division has no reason to think Respondent's most recent motion, which includes all the information they want publicly posted, will not also be posted here in the coming days.

The Division has also informed Respondent that Respondent is free to inform anyone it wishes about when the hearing will resume and how it can be viewed.

ARGUMENT

As demonstrated above, the hearing sessions in this matter have not only been public, they have arguably been among the mostly publicly accessible hearings in the history of Commission administrative proceedings. Respondent claims this is not enough, and that the failure to post specific information about the resumption of the hearing, on a specific page of the SEC's website, more than 30 days before that hearing session will take place, results in this being a "closed" hearing. That is patently absurd.

The Division also notes that Respondent requested more time to review the small discovery file in this case (consisting entirely of documents they previously possessed), and requested more time to propose additional exhibits, but then wastes time on meritless motions.

To be clear, the Division has no objection to further efforts to publicize the hearing, either on the "Upcoming Events" page of the SEC's website, through an order by the Hearing Officer that is posted on the page screenshotted above, or elsewhere. But the Division is not obligated to further publicize this hearing and does not control the SEC's website generally, or any of the pages discussed above. Thus it is unclear whether Respondent's motion seeks any relief from the Division that can be granted. If the Division can be of assistance to the Hearing Officer in taking any efforts to publicize the hearing, we are of course willing to do so. But there is no merit to the suggestion that any such steps are legally required. Rather, this Motion is yet another effort by Respondent to distract from the key issue in this

proceeding: Respondent's Form S-1 admittedly lacks audited financial statements and other required information; for this and other reasons, a stop order must be issued.

CONCLUSION

For the reasons stated above, Respondent's claim that further efforts to publicize the upcoming hearing sessions are legally required is meritless, but the Division has no objection to any such efforts.

Dated: December 15, 2022 Respectfully submitted,

/s/ Christopher Bruckmann

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Division of Enforcement's Response to American CryptoFed's Motion To Request the Public Hearing Schedule to be Posted on the SEC Website Upon the Scheduling of the Hearing was served on the following on this 15th day of December 2022, in the manner indicated below:

By Email:

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