

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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SECURITIES AND EXCHANGE COMMISSION, )  
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 )  
 ) Applicant, ) Miscellaneous Business  
 ) Docket No.  
 )  
 ) v. )  
 )  
 )  
 ) CARLOS R. GARZA, )  
 )  
 )  
 ) Respondent. )  
\_\_\_\_\_

**DECLARATION OF KATHLEEN SHIELDS IN SUPPORT OF SECURITIES AND  
EXCHANGE COMMISSION’S APPLICATION FOR  
AN ORDER TO COMPLY WITH ADMINISTRATIVE SUPBOENA**

I, Kathleen Burdette Shields, declare under penalty of perjury pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. I am an attorney and a member in good standing of the bar of the Commonwealth of Massachusetts. I am a Senior Trial Counsel in the Boston Regional Office of the plaintiff Securities and Exchange Commission (“the Commission”). I am participating in a Commission investigation In the Matter of GAW Miners, LLC, File No. B-02979. I make this declaration in support of the Commission’s Application for an Order to Comply with Administrative Subpoena.
2. I make this declaration based upon my personal knowledge.
3. On July 20, 2015, I received a telephone call from an individual who identified himself as Carlos Garza. Mr. Garza stated that he was calling about the Commission subpoena he received. Mr. Garza also stated that he was calling on a telephone that his brother had

provided to him and that he did not feel comfortable talking on that phone. He asked if we could engage in a video chat or Skype call rather than speaking on the phone.

4. I am aware, based on the Commission's investigation in this matter, that Carlos Garza's brother is Homero Joshua Garza, the former CEO of GAW Miners.

5. I told Mr. Garza that I could not participate in a video chat or Skype call with him, but I gave him my email address and told him that he could contact me by email if he did not feel comfortable speaking to me on the telephone.

6. Later in the day on July 20, 2015, I received an email message from Mr. Garza. In that email message, Mr. Garza requested an extension of his scheduled testimony date so that he could retain legal counsel. A true and accurate copy of my email correspondence with Mr. Garza is attached hereto as Exhibit A.

7. I responded to Mr. Garza's email on July 21, 2015. *See* Ex. A at 3. I agreed to extend his testimony date for an additional week, until August 4, 2015, so that he could retain counsel. I also inquired about Mr. Garza's production of documents responsive to the subpoena, which had been due on July 14, 2015.

8. Mr. Garza replied to my email on July 24. *See* Ex. A at 2-3. He thanked me for the extension and represented that the only responsive document he had was his 1099 tax form. He asked if I wanted him to send that document to me.

9. I replied to Mr. Garza's email on July 27. *See* Ex. A at 2. I told him that I would like to see his 1099 tax form and that he could bring it with him to testimony or email it to me.

10. Mr. Garza emailed me again on July 31. *See* Ex. A at 1-2. In that message, he asked for another extension of his testimony date. He stated that though he had "applied for many state assistance programs to reduce my cost I have yet to acquire an attorney." *Id.*

11. I responded to Mr. Garza's email on August 3, 2015. *See* Ex. A at 1. I agreed to give him one final extension, until August 12, to find an attorney.

12. Mr. Garza responded to my email and thanked me for the extension. *See id.*

Executed this 14<sup>th</sup> day of August, 2015, in Boston, Massachusetts.

/s/ Kathleen Burdette Shields  
Kathleen Burdette Shields