

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

ALTERNATE ENERGY HOLDINGS,  
INC., DONALD L. GILLISPIE, and  
JENNIFER RANSOM,

Defendants,

BOSCO FINANCIAL, LLC, ENERGY  
EXECUTIVE CONSULTING, LLC, and  
BLACK & LOBELLO, LLC,

Relief Defendants.

Case No. 1:10-cv-00621-EJL-REB

**ORDER GRANTING PLAINTIFF  
SECURITIES AND EXCHANGE  
COMMISSION'S  
MOTION TO APPOINT A TAX  
ADMINISTRATOR AND  
DISTRIBUTION AGENT**

Before the Court is the Securities and Exchange Commission's (the "SEC" or the "Commission") Motion to Appoint a Tax Administrator and Distribution Agent in this matter. (Dkt. 344.) No response has been filed and the time for doing so has expired. Having considered the Commission's Motion and the record in this matter, and for the reasons stated therein, the Court finds that appointment of a Tax Administrator and Distribution Agent is proper and the Motion will be granted.

**ORDER**

NOW THEREFORE IT IS HEREBY ORDERED that Plaintiff's Motion to appoint a Tax Administrator and Distribution Agent (Dkt. 344) is **GRANTED** as follows:

1) Damasco & Associates, LLP is appointed as Tax Administrator to execute all income tax reporting requirements, including the preparation and filing of tax returns, for all funds under the Court's jurisdiction in this case (the "Distribution Fund").

2) Damasco & Associates, LLP shall be designated the Tax Administrator of the Distribution Fund, pursuant to section 468B(g) of the Internal Revenue Code (IRC), 26 U.S.C. §468B(g), and related regulations, and shall satisfy the administrative requirements imposed by those regulations, including but not limited to (a) obtaining a taxpayer identification number, (b) filing applicable federal, state, and local tax returns and paying taxes reported thereon out of the Distribution Fund, and (c) satisfying any information, reporting, or withholding requirements imposed on distributions from the Distribution Fund. Upon request, the Tax Administrator shall provide copies of any filings to the Commission's counsel of record.

3) The Tax Administrator shall be entitled to charge reasonable fees and expenses for tax compliance services in accordance with its agreement with the Commission.

4) The Commission staff is authorized to approve and arrange payment of all future tax obligations and tax administrator fees and expenses owed by the Distribution Fund directly from the Distribution Fund without further order of the Court.

5) Rust Consulting, Inc. (“Rust”) is appointed to serve as the distribution agent of the Distribution Fund in this matter, pursuant to the terms of a distribution plan to be approved by this Court. Rust shall coordinate with the Court-appointed Tax Administrator, Damasco & Associates, LLP, to ensure that the Distribution Fund, Qualified Settlement Fund (“QSF”) under Section 468B(g) of the Internal Revenue Code, and related regulations, 26 C.F.R. 1.46B-1 through 5, complies with all related legal and regulatory requirements, including but not limited to, satisfying any reporting or withholding requirements imposed on distributions from the QSF.

6) Rust shall invoice all administrative fees and expenses incurred in the administration and distribution of the Distribution Fund to the Commission for review and approval by Commission staff. Any unresolved objections to an invoiced amount will be referred to the Court.

7) Once the distribution plan is approved, Rust will submit quarterly progress reports to the Commission staff and a final accounting report for the Distribution Fund, in a format to be provided by the Commission staff, when Rust’s duties are completed. Commission staff shall file the final accounting report for the Distribution Fund with the Court once it has been reviewed by Commission staff, and Commission staff has determined it has no objections.

8) Rust may be removed sua sponte at any time by the Court or upon motion of the Commission and replaced with a successor. In the event Rust decides to resign, it will first give written notice to the Court and to Commission staff of such intention, and the resignation, if permitted, will not be effective until the Court appoints a successor.



DATED: January 10, 2017

A handwritten signature in black ink, appearing to read "Edward J. Lodge". The signature is written over a horizontal line.

Edward J. Lodge  
United States District Judge