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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

HEMP, INC. a Colorado Corporation;
BRUCE J. PERLOWIN, an individual;
BARRY K. EPLING, an individual; JED
M. PERLOWIN, an individual; FERRIS
HOLDING, INC., a private Nevada
Corporation; HOBBS EQUITIES INC.,
a private Nevada Corporation;
DIVERSIFIED INVESTMENTS LLC, a
private Nevada Limited Liability
Company; and QUANTUM ECONOMIC
PROTOCOLS LLC, a private Nevada
Limited Liability Company.

Defendants.

Case No.: 2:16-cv-01413-JAD-BNW

**ORDER RE: CONSENT
JUDGMENT AS TO
DEFENDANT BARRY K. EPLING**

ECF No. 164

The Securities and Exchange Commission having filed a Complaint and Defendant
BARRY K. EPLING having entered a general appearance; consented to the Court's jurisdiction
over Defendant and the subject matter of this action; consented to entry of this Judgment without
admitting or denying the allegations of the Complaint (except as to jurisdiction and except as

1 otherwise provided herein in paragraph VII); waived findings of fact and conclusions of law; and
2 waived any right to appeal from this Judgment:

3
4 I.

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
6 permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the
7 Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5
8 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of
9 interstate commerce, or of the mails, or of any facility of any national securities exchange, in
10 connection with the purchase or sale of any security:

- 11
- 12 (a) to employ any device, scheme, or artifice to defraud;
 - 13 (b) to make any untrue statement of a material fact or to omit to state a material fact
14 necessary in order to make the statements made, in the light of the circumstances
15 under which they were made, not misleading; or
 - 16 (c) to engage in any act, practice, or course of business which operates or would
17 operate as a fraud or deceit upon any person.
- 18

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
20 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who
21 receive actual notice of this Judgment by personal service or otherwise: (a) Defendant's officers,
22 agents, servants, employees, and attorneys; and (b) other persons in active concert or
23 participation with Defendant or with anyone described in (a).
24

25 II.

26 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
27 is permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933
28

1 (the “Securities Act”) [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any
2 means or instruments of transportation or communication in interstate commerce or by use of the
3 mails, directly or indirectly:

- 4 (a) to employ any device, scheme, or artifice to defraud;
- 5 (b) to obtain money or property by means of any untrue statement of a material fact
6 or any omission of a material fact necessary in order to make the statements
7 made, in light of the circumstances under which they were made, not misleading;
8 or
9 (c) to engage in any transaction, practice, or course of business which operates or
10 would operate as a fraud or deceit upon the purchaser.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
12 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who
13 receive actual notice of this Judgment by personal service or otherwise: (a) Defendant’s officers,
14 agents, servants, employees, and attorneys; and (b) other persons in active concert or
15 participation with Defendant or with anyone described in (a).

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19 III.

20 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
21 is permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C.
22 § 77e] by, directly or indirectly, in the absence of any applicable exemption:

- 23 (a) Unless a registration statement is in effect as to a security, making use of any
24 means or instruments of transportation or communication in interstate commerce
25 or of the mails to sell such security through the use or medium of any prospectus
26 or otherwise;

1 (b) Unless a registration statement is in effect as to a security, carrying or causing to
2 be carried through the mails or in interstate commerce, by any means or
3 instruments of transportation, any such security for the purpose of sale or for
4 delivery after sale; or

5
6 (c) Making use of any means or instruments of transportation or communication in
7 interstate commerce or of the mails to offer to sell or offer to buy through the use
8 or medium of any prospectus or otherwise any security, unless a registration
9 statement has been filed with the Commission as to such security, or while the
10 registration statement is the subject of a refusal order or stop order or (prior to the
11 effective date of the registration statement) any public proceeding or examination
12 under Section 8 of the Securities Act [15 U.S.C. § 77h].
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14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
15 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who
16 receive actual notice of this Judgment by personal service or otherwise: (a) Defendant's officers,
17 agents, servants, employees, and attorneys; and (b) other persons in active concert or
18 participation with Defendant or with anyone described in (a).
19

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21 IV.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section
23 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)] [and/or Section 20(e) of the Securities Act
24 [15 U.S.C. § 77t(e)]], Defendant is prohibited from acting as an officer or director of any issuer
25 that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C.
26 § 78j] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C.
27 § 78o(d)].
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V.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently barred from participating in an offering of penny stock, including engaging in activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or attempting to induce the purchase or sale of any penny stock. A penny stock is any equity security that has a price of less than five dollars, except as provided in Rule 3a51-1 under the Exchange Act [17 C.F.R. 240.3a51-1].

VI.

Upon motion of the Commission, the Court shall determine whether it is appropriate to order disgorgement of ill-gotten gains and/or a civil penalty pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)] and, if so, the amount(s) of the disgorgement and/or civil penalty. If disgorgement is ordered, Defendant shall pay prejudgment interest thereon, calculated from August 2, 2011, based on the rate of interest used by the Internal Revenue Service for the underpayment of federal income tax as set forth in 26 U.S.C. § 6621(a)(2). In connection with the Commission's motion for disgorgement and/or civil penalties, and at any hearing held on such a motion: (a) Defendant will be precluded from arguing that he did not violate the federal securities laws as alleged in the Complaint; (b) Defendant may not challenge the validity of the Consent or this Judgment; (c) solely for the purposes of such motion, the allegations of the Complaint shall be accepted as and deemed true by the Court; and (d) the Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence, without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. In connection with the

1 Commission's motion for disgorgement and/or civil penalties, the parties may take discovery,
2 including discovery from appropriate non-parties.

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4 VII.


5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of
6 exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the
7 allegations in the complaint are true and admitted by Defendant, and further, any debt for
8 disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this
9 Judgment or any other judgment, order, consent order, decree or settlement agreement entered in
10 connection with this proceeding, is a debt for the violation by Defendant of the federal securities
11 laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the
12 Bankruptcy Code, 11 U.S.C. §523(a)(19).
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14 VIII.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain
16 jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.
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18 IX.

19 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil
20 Procedure, the Clerk is ordered to enter this Judgment forthwith and without further notice.
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U.S. District Judge Jennifer A. Dorsey
Dated: December 10, 2020
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