

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 13-23477-CIV-ALTONAGA/O'Sullivan**

**SECURITIES AND EXCHANGE  
COMMISSION,**

Plaintiff,

vs.

**BRIAN K. VELTEN,**

Defendant.

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**FINAL JUDGMENT AS TO DEFENDANT BRIAN K. VELTEN**

Pursuant to Section 20(d) of the Securities Act of 1933, 15 U.S.C. section 77t(d), Section 21(d)(3) of the Securities Exchange Act of 1934, 15 U.S.C. section 78u(d)(3), and in accordance with the Order of October 9, 2014 [ECF No. 40], granting in part and denying in part Plaintiff, the Securities and Exchange Commission's (the "SEC['s]" or the "Commission['s]") Motion . . . [to] Reopen Case and Set Disgorgement, Prejudgment Interest, and Civil Penalty Amounts ("Motion") [ECF No. 33], it is

**ORDERED AND ADJUDGED** as follows:

**1. Disgorgement and Prejudgment Interest**

Velten is liable for disgorgement of \$170,400.00, representing profits gained as a result of the conduct alleged in the Complaint . . . [ECF No. 1], together with prejudgment interest in the amount of \$10,488.78 for a total of \$180,888.78. Velten shall satisfy the disgorgement and prejudgment interest to the Securities and Exchange Commission by paying \$180,888.78 within 14 days after entry of this Final Judgment.

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Velten may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Velten may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169,

and shall be accompanied by a letter identifying the case title, civil action number, and name of the Court; Velten as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Velten shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Velten relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Velten.

The Commission shall hold the funds (collectively, the "Fund") and may propose a plan to distribute the Fund subject to the Court's approval. The Court shall retain jurisdiction over the administration of any distribution of the Fund. If the Commission staff determines that the Fund will not be distributed, the Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest, by moving for civil contempt (and/or through other collection procedures authorized by

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law) at any time after 14 days following entry of the Final Judgment. Velten shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

**2. Civil Penalty**

Velten shall pay a civil penalty in the amount of \$50,000.00 to the Securities and Exchange Commission pursuant to Section 20(d) of the Securities Act of 1933, Section 21(d) of the Securities Exchange Act of 1934, and Section 209(e) of the Investment Advisers Act of 1940. Velten shall make this payment within 14 days after entry of this Final Judgment.

Velten may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Velten may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

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Velten shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Velten relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to

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this Final Judgment to the United States Treasury. Velten shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

**3. Retention of Jurisdiction**

The Court shall retain jurisdiction of this matter for the purpose of enforcing the terms of this Judgment.

**DONE AND ORDERED** in Miami, Florida, this 9th day of October, 2014.

  
CECILIA M. ALTONAGA  
UNITED STATES DISTRICT JUDGE

cc: counsel of record