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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JUSTIN MOONGYU LEE;
REBECCA TAEWON LEE;
THOMAS EDWARD KENT;
AMERICAN IMMIGRANT
INVESTMENT FUND I, LLC;
BIOFUEL VENTURE IV, LLC;
BIOFUEL VENTURE V, LLC;
NEXLAND, INC., dba NEXLAND
INVESTMENT GROUP; and
NEXSUN ETHANOL, LLC,

Defendants.

Case No. 2:14-cv-06865 RGK (Ex)

**FINAL JUDGMENT AS TO
DEFENDANT THOMAS EDWARD
KENT**

1 The Securities and Exchange Commission having filed a Complaint and
2 Defendant Thomas Edward Kent having entered a general appearance; consented to
3 the Court’s jurisdiction over Defendant and the subject matter of this action;
4 consented to entry of this Final Judgment without admitting or denying the
5 allegations of the Complaint (except as to jurisdiction and except as otherwise
6 provided herein in paragraph V); waived findings of fact and conclusions of law; and
7 waived any right to appeal from this Final Judgment:

8 **I.**

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
10 permanently restrained and enjoined from violating Section 17(a) of the Securities
11 Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)] in the offer or sale of any
12 security by the use of any means or instruments of transportation or communication
13 in interstate commerce or by use of the mails, directly or indirectly:

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

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

27 **II.**

28 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant

1 is permanently restrained and enjoined from violating, directly or indirectly, Section
2 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. §
3 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using
4 any means or instrumentality of interstate commerce, or of the mails, or of any
5 facility of any national securities exchange, in connection with the purchase or sale of
6 any security:

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

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

19 **III.**

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
21 is liable for disgorgement of \$102,548.20, representing profits gained as a result of
22 the conduct alleged in the Complaint, together with prejudgment interest thereon in
23 the amount of \$14,680.80, for a total of \$117,229.00. Defendant shall satisfy this
24 obligation by paying \$117,229.00 to the Securities and Exchange Commission within
25 14 days after entry of this Final Judgment. Defendant may transmit payment
26 electronically to the Commission, which will provide detailed ACH transfer/Fedwire
27 instructions upon request. Payment may also be made directly from a bank account
28 via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>.

1 Defendant may also pay by certified check, bank cashier's check, or United States
2 postal money order payable to the Securities and Exchange Commission, which shall
3 be delivered or mailed to

4 Enterprise Services Center
5 Accounts Receivable Branch
6 6500 South MacArthur Boulevard
7 Oklahoma City, OK 73169

8 and shall be accompanied by a letter identifying the case title, civil action number,
9 and name of this Court; Thomas Edward Kent as a defendant in this action; and
10 specifying that payment is made pursuant to this Final Judgment. Defendant shall
11 simultaneously transmit photocopies of evidence of payment and case identifying
12 information to the Commission's counsel in this action. By making this payment,
13 Defendant relinquishes all legal and equitable right, title, and interest in such funds
14 and no part of the funds shall be returned to Defendant. The Commission shall hold
15 the funds (collectively, the "Fund") and may propose a plan to distribute the Fund
16 subject to the Court's approval. The Court shall retain jurisdiction over the
17 administration of any distribution of the Fund. If the Commission staff determines
18 that the Fund will not be distributed, the Commission shall send the funds paid
19 pursuant to this Final Judgment to the United States Treasury. The Commission may
20 enforce the Court's judgment for disgorgement and prejudgment interest by moving
21 for civil contempt (and/or through other collection procedures authorized by law) at
22 any time after 14 days following entry of this Final Judgment. Defendant shall pay
23 post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

24 **IV.**

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
26 shall pay a civil penalty in the amount of \$102,548.20 to the Securities and Exchange
27 Commission pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and
28 Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant shall make

1 proceeding, is a debt for the violation by Defendant of the federal securities laws or
2 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of
3 the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

4 **VI.**

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
6 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
7 Final Judgment.

8 **VII.**

9 There being no just reason for delay, pursuant to Rule 54(b) of the Federal
10 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith
11 and without further notice.

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13 Dated: September 21, 2015



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15 HONORABLE R. GARY KLAUSNER
16 UNITED STATES DISTRICT JUDGE
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