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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

Securities and Exchange Commission,

Plaintiff,

vs.

Janus Spectrum LLC; David Alcorn; Kent Maerki; Dominion Private Client Group, LLC; Janus Spectrum Group, LLC; Spectrum Management, LLC; Spectrum 100, LLC; Spectrum 100 Management, LLC; Prime Spectrum, LLC; Prime Spectrum Management, LLC; Daryl G. Bank; Premier Spectrum Group, PMA; Bobby D. Jones; Innovative Group, PMA; Premier Group, PMA; Prosperity Group, PMA; Terry W. Johnson; and Raymon G. Chadwick, Jr.,

Defendants.

CV-15-0609-PHX-SMM

**FINAL JUDGMENT AS TO  
DEFENDANT DARYL G. BANK**

The Securities and Exchange Commission (“SEC” or “Commission”) having filed a Complaint and Defendant Daryl G. Bank (“Defendant”) 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 Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided herein in paragraph VII); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment; and the Court, having considered all of the

1 evidence and arguments presented by the parties with regard to the motion by Plaintiff  
2 Securities and Exchange Commission for a Final Judgment setting the amounts of  
3 disgorgement, prejudgment interest, and civil penalties against Defendant:  
4

5 **I.**

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and  
7 his agents, servants, employees, attorneys, and all persons in active concert or  
8 participation with them who receive actual notice of this Final Judgment by personal  
9 service or otherwise are permanently restrained and enjoined from violating Section 5 of  
10 the Securities Act of 1933 (“Securities Act”), 15 U.S.C. § 77e, by, directly or indirectly,  
11 in the absence of any applicable exemption:

- 12 (a) Unless a registration statement is in effect as to a security, making use of  
13 any means or instruments of transportation or communication in interstate  
14 commerce or of the mails to sell such security through the use or medium  
15 of any prospectus or otherwise;
- 16 (b) Unless a registration statement is in effect as to a security, carrying or  
17 causing to be carried through the mails or in interstate commerce, by any  
18 means or instruments of transportation, any such security for the purpose of  
19 sale or for delivery after sale; or
- 20 (c) Making use of any means or instruments of transportation or  
21 communication in interstate commerce or of the mails to offer to sell or  
22 offer to buy through the use or medium of any prospectus or otherwise any  
23 security, unless a registration statement has been filed with the Commission  
24 as to such security, or while the registration statement is the subject of a  
25 refusal order or stop order or (prior to the effective date of the registration  
26 statement) any public proceeding or examination under Section 8 of the  
27 Securities Act, 15 U.S.C. § 77h.  
28

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in  
2 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the  
3 following who receive actual notice of this Final Judgment by personal service or  
4 otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b)  
5 other persons in active concert or participation with Defendant or with anyone described  
6 in (a).  
7

8 **II.**

9 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
10 Defendant and his agents, servants, employees, attorneys, and all persons in active  
11 concert or participation with them who receive actual notice of this Final Judgment by  
12 personal service or otherwise are permanently restrained and enjoined from violating  
13 Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a), in the offer or sale of any security  
14 by the use of any means or instruments of transportation or communication in interstate  
15 commerce or by use of the mails, directly or indirectly:

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

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

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**III.**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5, by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

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

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

**IV.**

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or

1 indirectly, Section 15(a) of the Exchange Act, 15 U.S.C. § 78o(a), which makes it  
2 unlawful for any broker or dealer which is either a person other than a natural person or a  
3 natural person, to make use of the mails or any means or instrumentality of interstate  
4 commerce to effect any transactions in, or to induce or attempt to induce the purchase or  
5 sale of, any security (other than an exempted security or commercial paper, bankers'  
6 acceptances, or commercial bills) unless such broker or dealer is registered in accordance  
7 with Section 15(b) of the Exchange Act, 15 U.S.C. § 78o(b).  
8

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

15 V.

16 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
17 Defendant is liable for disgorgement of \$4,494,900, representing profits gained as a result  
18 of the conduct alleged in the Complaint, together with prejudgment interest thereon in the  
19 amount of \$802,553, and a civil penalty in the amount of \$4,494,900 pursuant to Section  
20 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the Exchange Act,  
21 15 U.S.C. § 78u(d)(3). Defendant's disgorgement and prejudgment interest obligation  
22 includes Defendant's joint and several liability with Defendants Dominion Private Client  
23 Group, LLC, Spectrum Management, LLC, Spectrum 100 Management, LLC, and Prime  
24 Spectrum Management, LLC for any amounts they are ordered to pay as disgorgement  
25 and prejudgment interest in this action. Defendant shall satisfy this obligation by paying  
26 \$9,792,353 to the Securities and Exchange Commission within 14 days after entry of this  
27 Final Judgment.  
28

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

7  
8 Enterprise Services Center  
9 Accounts Receivable Branch  
10 6500 South MacArthur Boulevard  
11 Oklahoma City, OK 73169

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

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

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

24 The Commission may enforce the Court's judgment for disgorgement and  
25 prejudgment interest by moving for civil contempt (and/or through other collection  
26 procedures authorized by law) at any time after 14 days following entry of this Final  
27 Judgment. Defendant shall pay post judgment interest on any delinquent amounts  
28 pursuant to 28 U.S.C. § 1961.

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**VI.**

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of Defendant Daryl G. Bank is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

**VII.**

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

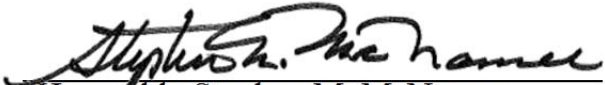
**VIII.**

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

**IX.**

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

Dated this 7th day of February, 2018.

  
Honorable Stephen M. McNamee  
Senior United States District Judge