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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **Western Division**

12 **SECURITIES AND EXCHANGE**
13 **COMMISSION,**

14 Plaintiff,

15 vs.

16 **DIVERSE FINANCIAL**
17 **CORPORATION, ROY DEKEL, and**
18 **DAVID KANDELL,**

19 Defendants.

Case No. 8:15-cv-01746-PA-KES

FINAL JUDGMENT AS TO
DEFENDANT ROY DEKEL

The Honorable Percy Anderson

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1 The Securities and Exchange Commission (“SEC”) having filed a Complaint,
2 the Court having granted the SEC’s Motion for Summary Judgment and found
3 Defendant Roy Dekel (the “Defendant”) liable on all counts asserted against him in
4 the SEC’s Complaint, and Defendant Roy Dekel having consented to entry of this
5 Final Judgment; waived any further findings of fact and conclusions of law; and
6 waived any right to appeal from this Final Judgment:

7 I.

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
9 permanently restrained and enjoined from violating, directly or indirectly, Section
10 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. §
11 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using
12 any means or instrumentality of interstate commerce, or of the mails, or of any
13 facility of any national securities exchange, in connection with the purchase or sale of
14 any security:

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

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 officers, agents, servants, employees, and
25 attorneys; and (b) other persons in active concert or participation with Defendant or
26 with anyone described in (a).

1 II.

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

7 (a) to employ any device, scheme, or artifice to defraud;

8 (b) to obtain money or property by means of any untrue statement of a
9 material fact or any omission of a material fact necessary in order to make the
10 statements made, in light of the circumstances under which they were made,
11 not misleading; or

12 (c) to engage in any transaction, practice, or course of business which
13 operates or would operate as a fraud or deceit upon the purchaser.

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

20 III.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
22 is liable for disgorgement, jointly and severally with Defendant Diverse Financial
23 Corporation, of \$2,717,758.20, representing profits gained as a result of the conduct
24 alleged in the Complaint, together with prejudgment interest thereon in the amount of
25 \$108,023.57, and an individual civil penalty in the amount of \$455,994.78 pursuant
26 to Sections 20(d) of the Securities Act and 21(d)(3) of the Exchange Act. Defendant
27 shall satisfy this obligation by paying \$3,281,776.55 to the Securities and Exchange
28 Commission within 14 days after entry of this Final Judgment.

1 Defendant may transmit payment electronically to the SEC, which will
2 provide detailed ACH transfer/Fedwire instructions upon request. Payment may also
3 be 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
5 check, bank cashier's check, or United States postal money order payable to the
6 Securities and Exchange Commission, which shall be delivered or mailed to

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

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

14 Defendant shall simultaneously transmit photocopies of evidence of payment
15 and case identifying information to the SEC's counsel in this action. By making this
16 payment, Defendant relinquishes all legal and equitable right, title, and interest in
17 such funds and no part of the funds shall be returned to Defendant. The SEC shall
18 send the funds paid pursuant to this Final Judgment to the United States Treasury.

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

24 IV.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
26 Consent is incorporated herein with the same force and effect as if fully set forth
27 herein, and that Defendant shall comply with all of the undertakings and agreements
28 set forth therein. The SEC staff may make reasonable requests for further evidence

1 of compliance, and Defendant agrees to provide such evidence.

2 V.

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

12 VI.

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

16 VII.

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

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21 Dated: December 8, 2016

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23 UNITED STATES DISTRICT JUDGE
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