

1 LYNN M. DEAN, Cal. Bar No. 205562
Email: deanl@sec.gov
2 BRENT W. WILNER, Cal. Bar No. 230093
Email: wilnerb@sec.gov

cc: FISCAL

3 Attorneys for Plaintiff
4 Securities and Exchange Commission
Michele Wein Layne, Regional Director
5 C. Dabney O’Riordan, Associate Regional Director
John W. Berry, Regional Trial Counsel
6 444 S. Flower Street, Suite 900
Los Angeles, California 90071
7 Telephone: (323) 965-3998
Facsimile: (213) 443-1904

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

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

15 **Plaintiff,**

16 **vs.**

17 **PAUL MATA, DAVID KAYATTA,**
18 **MARIO PINCHEIRA, SECURED**
19 **CAPITAL INVESTMENTS, LLC,**
20 **LOGOS REAL ESTATE HOLDINGS,**
LLC, LOGOS WEALTH ADVISORS,
INC., and LIFETIME ENTERPRISES,
LLC (dba LOGOS LIFETIME
UNIVERSITY),

21 **Defendants.**
22
23
24
25
26
27
28

Case No. 5:15-cv-01792-VAP-KK

FINAL JUDGMENT AS TO MARIO
PINCHEIRA

1 The Securities and Exchange Commission (“SEC”) having filed a Complaint
2 and Defendant Mario Pincheira (“Defendant”) having entered a general appearance,
3 consented to the Court’s jurisdiction over Defendant and the subject matter of this
4 action, 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 VI), 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, directly or indirectly, Section
11 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. §
12 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using
13 any means or instrumentality of interstate commerce, or of the mails, or of any
14 facility of any national securities exchange, in connection with the purchase or sale of
15 any security:

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

17 (b) to make any untrue statement of a material fact or to omit to state
18 a material fact necessary in order to make the statements made, in the light of
19 the circumstances under which they were made, not misleading; or

20 (c) to engage in any act, practice, or course of business which
21 operates or would operate as a fraud or deceit upon any person.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
23 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
24 binds the following who receive actual notice of this Final Judgment by personal
25 service or otherwise: (a) Defendant’s officers, agents, servants, employees, and
26 attorneys; and (b) other persons in active concert or participation with Defendant or
27 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 HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
22 Defendant is permanently restrained and enjoined from soliciting, accepting, or
23 depositing any monies from actual or prospective investors in connection with any
24 offering of securities, provided, however, that such injunction shall not prevent
25 Defendant from purchasing or selling securities listed on a national securities
26 exchange for his own personal account.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
28 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also

1 binds the following who receive actual notice of this Final Judgment by personal
2 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
3 attorneys; and (b) other persons in active concert or participation with Defendant or
4 with anyone described in (a).

5 IV.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
7 is liable for disgorgement of \$57,169.33, representing profits gained as a result of the
8 conduct alleged in the Complaint, plus prejudgment interest thereon in the amount of
9 \$6,615.21.

10 Defendant shall satisfy this obligation by paying \$63,784.54 to the SEC within
11 14 days after entry of this Final Judgment. Defendant may transmit payment
12 electronically to the SEC, which will provide detailed ACH transfer/Fedwire
13 instructions upon request. Payment may also be made directly from a bank account
14 via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>.
15 Defendant may also pay by certified check, bank cashier's check, or United States
16 postal money order payable to the Securities and Exchange Commission, which shall
17 be delivered or mailed to

18 Enterprise Services Center
19 Accounts Receivable Branch
20 6500 South MacArthur Boulevard
21 Oklahoma City, OK 73169

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

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

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

6 V.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
8 shall pay a civil penalty in the amount of \$57,169.33 to the SEC pursuant to Section
9 20(d) of the Securities Act, 15 U.S.C. § 77t(d); Section 21(d)(3) of the Exchange Act,
10 15 U.S.C. § 78u(d)(3); and Section 209(e) of the Advisers Act, 15 U.S.C. §80b-9(e).
11 Defendant shall make this payment within 14 days after entry of this Final Judgment.

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

18 Enterprise Services Center
19 Accounts Receivable Branch
20 6500 South MacArthur Boulevard
21 Oklahoma City, OK 73169

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

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

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

6 VI.

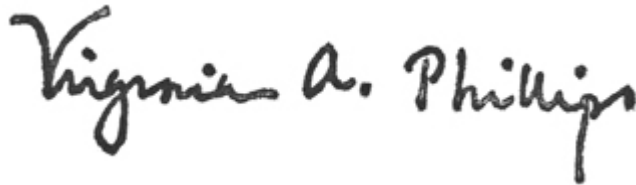
7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
8 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
9 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,
10 and further, any debt for disgorgement, prejudgment interest,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

16 VII.

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

20 VIII.

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

24 

25 Dated: June 17, 2016,

26

 UNITED STATES DISTRICT JUDGE