

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-cv-80496-MARRA/MATTHEWMAN

SECURITIES AND EXCHANGE)
COMMISSION,)
 Plaintiff,)
v.)
))
DANIEL P. McKELVEY *et al.*,)
))
 Defendants,)
and)
))
AU CONSULTING LLC *et al.*,)
))
 Relief Defendants.)
_____)

**FINAL JUDGMENT AS TO DEFENDANT SCOTT HUGHES SETTING
DISGORGEMENT, PREJUDGMENT INTEREST, AND CIVIL PENALTY AMOUNTS**

THIS MATTER is before the Court upon the Commission’s Motion for Final Judgments and to Set Various Disgorgement, Prejudgment Interest, and Civil Penalty Amounts (the “Motion”). [D.E. # 101].

On June 22, 2015, this Court previously entered a Default Judgment of Permanent Injunction and Other Relief against Defendant Scott Hughes (the “Judgment”). [D.E. # 37.] The Judgment provides the Court shall determine the amounts of the disgorgement, prejudgment interest, and a civil penalty upon the Commission’s motion pursuant to Section 20(d) of the Securities Act of 1933 (the “Securities Act”), 15 U.S.C. § 77t(d), and Section 21(d)(3) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78u(d)(3). [*Id.* at § XI.] The injunctive and other relief imposed by the June 22, 2015 Judgment remains in full effect.

UPON CONSIDERATION of the Motion and being otherwise fully advised in the premises, it is **ORDERED AND ADJUGED** that the Plaintiff's Motion is **GRANTED** as to Hughes.

IT IS FURTHER ORDERED AND ADJUGED that the injunctive and other relief imposed against Hughes by the June 22, 2015 Order shall remain in full effect.

IT IS FURTHER ORDERED AND ADJUGED that Hughes is liable for disgorgement of \$10,000, representing profits gained as a result of the conduct alleged in the Second Amended Complaint, together with prejudgment interest thereon in the amount of \$1,506.02, and a civil penalty in the amount of \$150,000 pursuant to Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3). The total amount payment of \$161,506.02 shall be due and payable within fourteen (14) days from the date of this Final Judgment.

Hughes 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>. Hughes 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 this Court; Hughes as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment. Hughes shall simultaneously transmit photocopies of evidence of payment

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

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, prejudgment interest, and a civil penalty by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of the Final Judgment. Hughes shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

IT IS FURTHER ORDERED AND ADJUDGED that this Court shall retain jurisdiction over this matter and Hughes in order to implement and carry out the terms of this Judgment and all Orders and Decrees that may be entered, and/or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court.

DONE AND ORDERED in Chambers in West Palm Beach, Florida, this 23rd day of February, 201⁸.



KENNETH A. MARRA
UNITED STATES DISTRICT JUDGE