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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

DANIEL B. VAZQUEZ, SR.,
GILBERT FLUETSCH, AND
HOPLON FINANCIAL GROUP,

Defendants.

Case No. 8:18-cv-0047 CJC (KESx)

****CORRECTED** FINAL
JUDGMENT AS TO DEFENDANT
GILBERT FLUETSCH**

1 **FINAL JUDGMENT AS TO DEFENDANT GILBERT FLUETSCH**

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

9 **I.**

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

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

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

20 III.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
22 is liable for disgorgement of \$54,086.00, representing profits gained as a result of the
23 conduct alleged in the Complaint, together with prejudgment interest thereon in the
24 amount of \$6,562.72, and a civil penalty in the amount of \$54,086.00 pursuant to
25 Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d) and Section 21(d)(3) of the
26 Exchange Act, 15 U.S.C. § 78u(d)(3). Defendant shall satisfy this obligation by
27 paying \$114,734.72 to the Securities and Exchange Commission within 14 days after
28 entry of this Final Judgment.

1 Defendant may transmit payments electronically to the Commission, which
2 will provide detailed ACH transfer/Fedwire instructions upon request. Payment may
3 also 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; Gilbert Fluetsch as a defendant in this action; and specifying
13 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 Commission's counsel in this action. By
16 making this payment, Defendant relinquishes all legal and equitable right, title, and
17 interest in such funds and no part of the funds shall be returned to Defendant. The
18 Commission shall send the funds paid pursuant to this Final Judgment to the United
19 States Treasury.

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

25 IV.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
27 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
28 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

1 amounts due by Defendant under this Judgment or any other judgment, order, consent
2 order, decree or settlement agreement entered in connection with this proceeding, is a
3 debt for the violation by Defendant of the federal securities laws or any regulation or
4 order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy
5 Code, 11 U.S.C. § 523(a)(19).

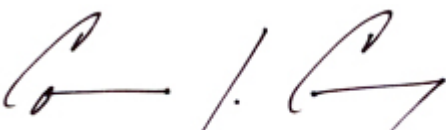
6 V.

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

10 VI.

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

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15 Dated: May 25, 2018

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18 UNITED STATES DISTRICT JUDGE
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