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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

v.

ALEXANDER BEVIL, an individual;
RICHARD MCCALL BOHNSACK, an
individual; DANIEL THOMAS BROYLES, an
individual; CHARLES CARY DAVIS, an
individual; WILLIAM JAMES ROTH, an
individual; GLENN JOSEPH STORY, an
individual; and HAROLD WASSERMAN, an
individual,

Defendants.

Case No.: 2:19-cv-590-RFB-DJA

**JUDGMENT AS TO DEFENDANT
HAROLD WASSERMAN**

The Securities and Exchange Commission having filed a Complaint, and Defendant Harold Wasserman (“Defendant”) having entered a general appearance; consented to the Court’s jurisdiction over him and the subject matter of this action; consented to entry of this Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided herein in paragraph VIII); waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

I.

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2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
3 permanently restrained and enjoined from violating, directly or indirectly, Section 15(a)(1) of the
4 Exchange Act [15 U.S.C. § 78o(a)(1)] by making use of the mails or any means or
5 instrumentality of interstate commerce to effect transactions in or induce or attempt to induce the
6 purchase or sale of securities while they, or anyone hired by them to effect transactions in or
7 induce or attempt to induce the purchase or sale of securities, are not registered with the
8 Commission as a broker or dealer or while they, or anyone hired by them to effect transactions in
9 or induce or attempt to induce the purchase or sale of securities, are not associated with an entity
10 registered with the Commission as a broker or dealer.
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13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
14 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who
15 receive actual notice of this Judgment by personal service or otherwise: (a) the officers, agents,
16 servants, employees, and attorneys of the Defendant; and (b) other persons in active concert or
17 participation with the Defendant or with anyone described in (a).
18

19 II.

20 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
21 permanently restrained and enjoined from violating Section 5 of the Securities Act of 1933
22 (“Securities Act”) [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable
23 exemption:
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- 25 (a) unless a registration statement is in effect as to a security, making use of
26 any means or instruments of transportation or communication in interstate
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1 commerce or of the mails to sell such security through the use or medium
2 of any prospectus or otherwise;

3 (b) unless a registration statement is in effect as to a security, carrying or
4 causing to be carried through the mails or in interstate commerce, by any
5 means or instruments of transportation, any such security for the purpose
6 of sale or for delivery after sale, or;

7
8 (c) making use of any means or instruments of transportation or
9 communication in interstate commerce or of the mails to offer to sell or
10 offer to buy through the use or medium of any prospectus or otherwise any
11 security, unless a registration statement has been filed with the
12 Commission as to such security, or while the registration statement is the
13 subject of a refusal order or stop order or (prior to the effective date of the
14 registration statement) any public proceeding or examination under
15 Section 8 of the Securities Act [15 U.S.C. § 77h].
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18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
19 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who
20 receive actual notice of this Judgment by personal service or otherwise: (a) the officers, agents,
21 servants, employees, and attorneys of the Defendant; and (b) other persons in active concert or
22 participation with the Defendant or with anyone described in (a).
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24 III.

25 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
26 is permanently restrained and enjoined from violating Section 17(a)(2) of the Securities Act [15
27 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of
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1 transportation or communication in interstate commerce or by use of the mails, directly or
2 indirectly, to obtain money or property by means of any untrue statement of a material fact or
3 any omission of a material fact necessary in order to make the statements made, in light of the
4 circumstances under which they were made, not misleading.

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

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
13 permanently restrained and enjoined from directly or indirectly, including, but not limited to,
14 through any entity owned or controlled by any of them soliciting any person or entity to purchase
15 or sell any security.
16

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

24 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
25 is permanently barred from participating in an offering of penny stock, including engaging in
26 activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or
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1 attempting to induce the purchase or sale of any penny stock. A penny stock being any equity
2 security that has a price of less than five dollars, except as provided in Exchange Act Rule 3a51-
3 1 [17 C.F.R. § 240.3a51-1].

4 VI.

5 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that:

6 (a) Defendant is liable for disgorgement of \$46,819.25, representing profits gained as a
7 result of the conduct alleged in the Complaint, together with prejudgment interest
8 thereon in the amount of \$7,260.17.

9 (b) Defendant is liable for a civil penalty in the amount of \$15,000 pursuant to Section
10 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange
11 Act [15 U.S.C. § 78u(d)(3).
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14 Defendant shall satisfy his obligation by paying \$69,079.42, as set forth above, to the
15 Securities and Exchange Commission within 14 days after entry of this Judgment.
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17 Defendant may transmit payment electronically to the Commission, which will provide
18 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly
19 from a bank account via Pay.gov through the SEC website at
20 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank
21 cashier's check, or United States postal money order payable to the Securities and Exchange
22 Commission, which shall be delivered or mailed to
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24 Enterprise Services Center
25 Accounts Receivable Branch
26 6500 South MacArthur Boulevard
27 Oklahoma City, OK 73169
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1 and shall be accompanied by a letter identifying the case title, civil action number, and name of
2 this Court; the Defendant's name, as identified a defendant in this action; and specifying that
3 payment is made pursuant to this Judgment.

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

8
9 The Commission may enforce the Court's judgment for disgorgement and prejudgment
10 interest by moving for civil contempt (and/or through other collection procedures authorized by
11 law) at any time after 14 days following entry of this Judgment. Defendant shall pay post
12 judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission
13 shall hold the funds, together with any interest and income earned thereon (collectively, the
14 "Fund"), pending further order of the Court.

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16 The Commission may propose a plan to distribute the Fund subject to the Court's
17 approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund
18 provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain
19 jurisdiction over the administration of any distribution of the Fund. If the Commission staff
20 determines that the Fund will not be distributed, the Commission shall send the funds paid
21 pursuant to this Judgment to the United States Treasury.

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23 Regardless of whether any such Fair Fund distribution is made, amounts ordered to be
24 paid as civil penalties pursuant to this Judgment shall be treated as penalties paid to the
25 government for all purposes, including all tax purposes. To preserve the deterrent effect of the
26 civil penalty, Defendant shall not, after offset or reduction of any award of compensatory
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1 damages in any Related Investor Action based on Defendant’s payment of disgorgement in this
2 action, argue that they are entitled to, nor shall they further benefit by, offset or reduction of such
3 compensatory damages award by the amount of any part of any of the Defendant’s payment of a
4 civil penalty in this action (“Penalty Offset”). If the court in any Related Investor Action grants
5 such a Penalty Offset, Defendant shall, within 30 days after entry of a final order granting the
6 Penalty Offset, notify the Commission’s counsel in this action and pay the amount of the Penalty
7 Offset to the United States Treasury or to a Fair Fund, as the Commission directs. Such a
8 payment shall not be deemed an additional civil penalty and shall not be deemed to change the
9 amount of the civil penalty imposed in this Judgment. For purposes of this paragraph, a “Related
10 Investor Action” means a private damages action brought against the Defendant by or on behalf
11 of one or more investors based on substantially the same facts as alleged in the Complaint in this
12 action.
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15 VII.

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

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

3 IX.

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

8 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil
9 Procedure, the Clerk is ordered to enter this Judgment forthwith and without further notice.
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11 Dated: October 4, 2019.



12 _____
13 RICHARD F. BOULWARE, II
14 UNITED STATES DISTRICT JUDGE
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