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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

RICHARD VU NGUYEN, A/K/A
NGUYEN THANH VU, and NTV
FINANCIAL GROUP, INC.,

Defendants,

and

MAI DO,

Relief Defendant.

Case No. 8:19-cv-01174-SVW-KES

~~PROPOSED~~ **AMENDED FINAL
JUDGMENT AS TO DEFENDANT
RICHARD VU NGUYEN**

1 **FINAL JUDGMENT AS TO DEFENDANT RICHARD VU NGUYEN**

2 The Securities and Exchange Commission having filed a Complaint and
3 Defendant Richard Vu Nguyen having entered a general appearance, the Court
4 orders that this Final Judgment be entered:

5 **I.**

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

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

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

26 **II.**

27 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
28 that Defendant is permanently restrained and enjoined from violating Section 17(a)

1 of the Securities Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)] in the
2 offer or sale of any security by the use of any means or instruments of
3 transportation or communication in interstate commerce or by use of the mails,
4 directly or indirectly:

- 5 (a) to employ any device, scheme, or artifice to defraud;
- 6 (b) to obtain money or property by means of any untrue statement of a
7 material fact or any omission of a material fact necessary in order to
8 make the statements made, in light of the circumstances under which
9 they were made, not misleading; or
- 10 (c) to engage in any transaction, practice, or course of business which
11 operates or would operate as a fraud or deceit upon the purchaser.

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

18 **III.**

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant
20 is permanently restrained and enjoined from violating, directly or indirectly, while
21 acting as an investment adviser, Sections 206(1) and (2) of the Investment
22 Advisers Act of 1940 (“Advisers Act”) [15 U.S.C. §§ 80b-6(1) and (2)] by using
23 the mails or any means or instrumentality of interstate commerce:

- 24 (a) to employ any device, scheme, or artifice to defraud any client or
25 prospective client; or
- 26 (b) to engage in any transaction, practice, or course of business which
27 operates as a fraud or deceit upon any client or prospective client.

28 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as

1 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
2 binds the following who receive actual notice of this Judgment by personal service
3 or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys;
4 and (b) other persons in active concert or participation with Defendant or with
5 anyone described in (a).

6 **IV.**

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant
8 is permanently restrained and enjoined from violating, directly or indirectly, while
9 acting as an investment adviser to a pooled investment vehicle, directly or
10 indirectly, Section 206(4) of the Adviser Act [15 U.S.C. § 80b-6(4)] and Rule
11 206(4)-8 promulgated thereunder [17 C.F.R. § 275.206(4)-8], by using the mails or
12 means or instrumentalities of interstate commerce:

- 13 (a) to make untrue statements of material fact or omit to state a material
14 fact necessary in order to make the statements made, in the light of the
15 circumstances under which there were made, not misleading, to any
16 investor or prospective investor in the pooled investment vehicle; or
17 (b) to engage in acts, practices, or courses of business that are fraudulent,
18 deceptive, or manipulative with respect to any investor or prospective
19 investor in the pooled investment vehicle.

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

26 **V.**

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant
28 to Sections 21(d)(1) and 21(d)(5) of the Exchange Act [15 U.S.C. § 78u(d)(1)] and

1 (5)], Section 20(b) of the Securities Act [15 U.S.C. § 77t(b)] and Sections 209(d),
2 of the Advisers Act [15 U.S.C. § 80b-9(d)], Defendant is permanently restrained
3 and enjoined from directly or indirectly, including through any entity he owns or
4 controls, accessing any securities brokerage account of any third-party, including
5 doing so with the consent of the account holder.

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

12 **VI.**

13 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
14 that Defendant is liable for disgorgement of \$969,210.07, representing net profits
15 gained as a result of the conduct alleged in the Complaint, together with
16 prejudgment interest thereon in the amount of \$164,313.57, and a civil penalty in
17 the amount of \$1,133,523.63 pursuant to Section 20(d) of the Securities Act [15
18 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)],
19 and Section 209(e) of the Advisers Act [15 U.S.C. § 80b-9(e)]. Defendant is
20 further jointly and severally liable with relief defendant Mai Do for disgorgement
21 of \$267,889.64, representing net profits gained as a result of the conduct alleged in
22 the Complaint, together with prejudgment interest thereon in the amount of
23 \$50,899.12. Defendant shall satisfy these obligations by paying \$2,585,836.03 to
24 the Securities and Exchange Commission within 30 days after entry of this Final
25 Judgment.

26 Defendant may transmit payment electronically to the Commission, which
27 will provide detailed ACH transfer/Fedwire instructions upon request. Payment
28 may also be made directly from a bank account via Pay.gov through the SEC

1 website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by
2 certified check, bank cashier's check, or United States postal money order payable
3 to the Securities and Exchange Commission, which shall be delivered or mailed to

4 Enterprise Services Center
5 Accounts Receivable Branch
6 6500 South MacArthur Boulevard
7 Oklahoma City, OK 73169

8 and shall be accompanied by a letter identifying the case title, civil action number,
9 and name of this Court; Richard Vu Nguyen as a defendant in this action; and
10 specifying that payment is made pursuant to this Final Judgment.

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

16 The Commission may enforce the Court's judgment for disgorgement and
17 prejudgment interest by using all collection procedures authorized by law,
18 including, but not limited to, moving for civil contempt at any time after 30 days
19 following entry of this Final Judgment.

20 The Commission may enforce the Court's judgment for penalties by the use
21 of all collection procedures authorized by law, including the Federal Debt
22 Collection Procedures Act, 28 U.S.C. § 3001 et seq., and moving for civil
23 contempt for the violation of any Court orders issued in this action. Defendant
24 shall pay post judgment interest on any amounts due after 30 days of the entry of
25 this Final Judgment pursuant to 28 U.S.C. § 1961. The Commission shall hold the
26 funds, together with any interest and income earned thereon (collectively, the
27 "Fund"), pending further order of the Court.

28 The Commission may propose a plan to distribute the Fund subject to the
Court's approval. Such a plan may provide that the Fund shall be distributed

1 pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act
2 of 2002. The Court shall retain jurisdiction over the administration of any
3 distribution of the Fund and the Fund may only be disbursed pursuant to an Order
4 of the Court.

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

23 **VII.**

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely
25 for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy
26 Code, 11 U.S.C. § 523, the allegations in the complaint are true and admitted by
27 Defendant, and further, any debt for disgorgement, prejudgment interest, civil
28 penalty or other amounts due by Defendant under this Final Judgment or any other

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

5 **VIII.**

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

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10 Dated: August 8, 2024



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13 HONORABLE STEPHEN V. WILSON
14 UNITED STATES DISTRICT JUDGE
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