

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE	§	
COMMISSION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:13-CV-4861-K
	§	
ARCTURUS CORPORATION,	§	
ASCHERE ENERGY, LLC,	§	
LEON ALI PARVIZIAN,	§	
ALFREDO GONZALEZ,	§	
AMG ENERGY, LLC,	§	
ROBERT J. BALUNAS, and	§	
R. THOMAS & CO., LLC,	§	
	§	
Defendants.	§	

**FINAL JUDGMENT AS TO DEFENDANTS ALFREDO GONZALEZ
AND AMG ENERGY, LLC.**

Plaintiff Securities and Exchange Commission's ("SEC") having filed a Complaint and Defendants Alfredo Gonzalez and AMG Energy, LLC (collectively "Defendants") having entered a general appearance and consented to the Court's jurisdiction over the Defendants and the subject matter of this action. Defendants filed their Consent of Defendants Alfredo Gonzalez and AMG Energy, LLC ("Consent") (Doc. No. 268) on October 6, 2021, in which Defendants consented to the entry of this Final Judgment without admitting or denying the allegations in the Complaint (except as to jurisdiction and except as otherwise provided herein); waived

findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment.

Defendants' Consent also provides for the Court's determination of remedies as to the Defendants based on SEC's Motion for Remedies and Motion for Entry of Final Judgment and Brief ("Motion") (Doc. No. 79) and supporting Appendix (Doc. No. 80), the Defendants' Response to the Motion (Doc. No. 98), and the SEC's Reply (Doc. No. 106) and supporting Appendix (Doc. No. 107), all of which have been re-urged. The Court has considered the Motion, responsive briefing, and supporting appendices, the argument of counsel, and the entire record of this case. The Court hereby enters the following Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants Alfredo Gonzalez and AMG Energy, LLC, are jointly and severally liable for disgorgement in the amount of \$50,000.00, representing net profits gained as a result of the conduct alleged in the Complaint. The Court does not award any civil penalties against Defendants Alfredo Gonzalez and AMG Energy, LLC, pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)]. Defendants shall satisfy this obligation by paying \$50,000.00 to the SEC pursuant to the terms of the payment schedule set forth in Section II below after entry of this Final Judgment.

In its discretion, the Court does not award prejudgment interest against Defendants Alfredo Gonzalez and AMG Energy, LLC.

Defendants Alfredo Gonzalez and AMG Energy, LLC, may transmit payment electronically to the SEC, 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>. Defendants Alfredo Gonzalez and AMG Energy, LLC, 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; Defendants' name in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendants Alfredo Gonzalez and AMG Energy, LLC, shall simultaneously transmit photocopies of evidence of payment and case identifying information to the SEC's counsel in this action. By making this payment, Defendants relinquish all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to any Defendant.

If Defendants fail to make any payment by the date ordered in Section II below, and/or in the amount ordered according to the schedule set forth therein, the

Commission may enforce the Court's judgment for disgorgement by using all collection procedures authorized by law, including, but not limited to, moving for civil contempt.

Defendants Alfredo Gonzalez and AMG Energy, LLC, shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The SEC shall hold the funds, together with any interest and income earned thereon (collectively, the "Fund"), pending further Order of the Court. The SEC 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 pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain jurisdiction over the administration of any distribution of the Fund and the Fund may only be disbursed pursuant to an Order of the Court.

III.

Defendants, jointly and severally, shall pay in four installments to the SEC according to the following schedule:

- (1) \$12,500.00 [25% of total], within 10 days of entry of this Final Judgment;
- (2) \$12,500.00 [25% of total], within 120 days of entry of this Final Judgment;
- (3) \$12,500.00 [25% of total], within 240 days of entry of this Final Judgment;
- (4) the balance due, [approximately 25% of total] (amount to be confirmed by the SEC at least 30 days prior to the date payment is due), within 360 days of entry of this Final Judgment.

Payments shall be deemed made on the date they are received by the SEC and shall be applied first to post-judgment interest, which accrues pursuant to 28 U.S.C. § 1961 on any unpaid amounts due after 30 days of the entry of Final Judgment. Prior to making the final payment set forth herein, Defendants shall contact the staff of the SEC for the amount due for the final payment.

If Defendants fail to make any payment by the date listed herein and/or in the amount according to the schedule set forth above, all outstanding payments under this Final Judgment, including post-judgment interest, minus any payments made, shall become due and payable immediately at the discretion of the staff of the Commission without further application to the Court.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of Defendants Alfredo Gonzalez and AMG Energy, LLC, is incorporated herein with the same force and effect as if fully set forth in this Final Judgment, and that the Defendants shall comply with all of the undertakings and agreements set forth therein.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the allegations in the Complaint are true and admitted by Defendants, and further, any debt for disgorgement or other amounts due by Defendants under any judgment, order, consent order, decree or settlement agreement entered in connection

with this proceeding, is a debt for the violation by Defendants of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction over this matter.

VI.


IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all relief not expressly granted herein is denied.

VII.

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

SO ORDERED.

Signed October 20th, 2021.


ED KINKEADE
UNITED STATES DISTRICT JUDGE