

Casey R. Fronk (Admitted *pro hac vice*)
Laurie E. Abbott (Admitted *pro hac vice*)
Securities and Exchange Commission
351 South West Temple, Suite 6.100
Salt Lake City, UT 84101-1950
Tel.: (801) 524-5796
FronkC@sec.gov
abbottla@sec.gov
Attorneys for Plaintiff

**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

**~~PROPOSED~~ FINAL JUDGMENT AS TO
DEFENDANT RICHARD MCCALL
BOHNSACK**

Judge Richard F. Boulware
Magistrate Judge Daniel J. Albrechts

The Securities and Exchange Commission having filed a Complaint, and Defendant Richard McCall Bohnsack (“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 Final 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 Final Judgment:

I.

1
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 he, or anyone hired by him to effect transactions in or induce
7 or attempt to induce the purchase or sale of securities, is not registered with the Commission as a
8 broker or dealer or while he, or anyone hired by him to effect transactions in or induce or attempt
9 to induce the purchase or sale of securities, is not associated with an entity registered with the
10 Commission as a broker or dealer.
11

12
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) Defendant's officers,
16 agents, servants, employees, and attorneys; and (b) other persons in active concert or
17 participation with Defendant or with anyone described in (a).
18

II.

19
20 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
21 is 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:
24

25 (a) unless a registration statement is in effect as to a security, making use of any
26 means or instruments of transportation or communication in interstate commerce or of the mails
27 to sell such security through the use or medium of any prospectus or otherwise;
28

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

4 (c) making use of any means or instruments of transportation or communication in
5 interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of
6 any prospectus or otherwise any security, unless a registration statement has been filed with the
7 Commission as to such security, or while the registration statement is the subject of a refusal
8 order or stop order or (prior to the effective date of the registration statement) any public
9 proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].
10

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

17 **III.**
18

19 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
20 is permanently restrained and enjoined from violating Section 17(a)(2) of the Securities Act [15
21 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of
22 transportation or communication in interstate commerce or by use of the mails, directly or
23 indirectly, to obtain money or property by means of any untrue statement of a material fact or
24 any omission of a material fact necessary in order to make the statements made, in light of the
25 circumstances under which they were made, not misleading.
26
27
28

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

7 **IV.**

8 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
9 is permanently restrained and enjoined from, directly or indirectly, including, but not limited to,
10 through any entity owned or controlled by Defendant, soliciting any person or entity to purchase
11 or sell any security.
12

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) Defendant's officers,
16 agents, servants, employees, and attorneys; and (b) other persons in active concert or
17 participation with Defendant or with anyone described in (a).
18

19 **V.**

20 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
21 is permanently barred from participating in an offering of penny stock, including engaging in
22 activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or
23 attempting to induce the purchase or sale of any penny stock. A penny stock being any equity
24 security that has a price of less than five dollars, except as provided in Exchange Act Rule 3a51-
25 1 [17 C.F.R. § 240.3a51-1].
26
27
28

VI.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that

(a) Defendant is liable for disgorgement of \$14,207.00, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$576.86.

(b) Defendant is liable for a civil penalty in the amount of \$5,000.00 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)].

Defendant shall satisfy these obligations by paying the amount of disgorgement, prejudgment interest, and civil penalty, totaling \$19,783.86, to the Securities and Exchange Commission within 14 days after entry of this Final Judgment.

Defendant 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>. Defendant 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; Richard McCall Bohnsack as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

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

5 The Commission shall hold the funds (collectively, the "Fund") until further order of this
6 Court. The SEC may propose a plan to distribute the Fund subject to the Court's approval, and
7 the Court shall retain jurisdiction over the administration of any distribution of the Fund.
8

9 The Commission may enforce the Court's judgment for disgorgement and prejudgment interest
10 by using all collection procedures authorized by law, including, but not limited to, moving for
11 civil contempt at any time after 14 days following entry of this Final Judgment.
12

13 The Commission may enforce the Court's judgment for penalties by the use of all
14 collection procedures authorized by law, including the Federal Debt Collection Procedures Act,
15 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the violation of any Court orders
16 issued in this action. Defendant shall pay post judgment interest on any amounts due after 14
17 days of the entry of this Final Judgment pursuant to 28 U.S.C. § 1961. The Commission shall
18 hold the funds, together with any interest and income earned thereon (collectively, the "Fund"),
19 pending further order of the Court.
20

21 The Commission may propose a plan to distribute the Fund subject to the Court's
22 approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund
23 provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain
24 jurisdiction over the administration of any distribution of the Fund and the Fund may only be
25 disbursed pursuant to an Order of the Court.
26
27
28

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

19 **VII.**

20 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that the
 21 Consent of the Defendant is incorporated herein with the same force and effect as if fully set
 22 forth herein, and that Defendant shall comply with all of the undertakings and agreements set
 23 forth therein.
 24

25 **VIII.**

26 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
 27 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C.
 28

1 §523, the allegations in the complaint are true and admitted by Defendant, and further, any debt
2 for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under
3 this Final Judgment or any other judgment, order, consent order, decree or settlement agreement
4 entered in connection with this proceeding, is a debt for the violation by Defendant of the federal
5 securities laws or any regulation or order issued under such laws, as set forth in Section
6 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).
7

8 **IX.**

9 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
10 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final
11 Judgment.
12

13 **X.**

14 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil
15 Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.
16

17 Dated: September 29, 2022.
18



19 _____
20 RICHARD F. BOULWARE, II
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28