

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.
ONGKARUCK SRIPETCH; AMANDA
FLORES; BREHNEN KNIGHT;
ANDREW MCALPINE, ASHMIT
PATEL; MICHAEL WEXLER;
DOMINIC WILLIAMS; ADTRON INC.
a/k/a STOCKPALOOZA.COM; ATG
INC.; DOIT, LTD.; DOJI CAPITAL,
INC.; KING MUTUAL SOLUTIONS
INC.; OPTIMUS PRIME FINANCIAL
INC.; ORCA BRIDGE; REDLINE
INTERNATIONAL; and UAIM
CORPORATION,

Defendants.

Case No.: 20-cv-01864-H-AGS

**FINAL JUDGMENT AS TO
DEFENDANT ONGKARUCK
SRIPETCH**

1 Pursuant to the September 11, 2023 consent judgment between Plaintiff Securities
2 and Exchange Commission (“SEC”) and Defendant Ongkaruck Sripetch, (Doc. No. 92),
3 and the Court’s April 8, 2024 order granting in part Plaintiff SEC’s motion for remedies
4 against Defendant Sripetch, (Doc. No. 165), the Court enters the following final judgment
5 against Defendant Ongkaruck Sripetch:

6 The Securities and Exchange Commission having filed a Complaint and Defendant
7 Ongkaruck Sripetch (“Defendant”) having entered a general appearance; consented to the
8 Court’s jurisdiction over Defendant Sripetch and the subject matter of this action; the Court
9 having entered an Order on April 8, 2024 finding that the Commission is entitled to a final
10 judgment against Defendant Sripetch; and the Court having considered the Commission’s
11 motion for entry of final judgment and all the pleadings and evidence submitted in support
12 thereof:

13 I.

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

20 (a) to employ any device, scheme, or artifice to defraud;

21 (b) to make any untrue statement of a material fact or to omit to state a material
22 fact necessary in order to make the statements made, in the light of the circumstances under
23 which they were made, not misleading; or

24 (c) to engage in any act, practice, or course of business which operates or would
25 operate as a fraud or deceit upon any person.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
27 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following
28 who receive actual notice of this Final Judgment by personal service or otherwise: (a)

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

3 II.

4 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
5 Defendant Sripetch is permanently restrained and enjoined from violating Section 17(a) of
6 the Securities Act of 1933 (the "Securities Act"), 15 U.S.C. § 77q(a), in the offer or sale of
7 any security by the use of any means or instruments of transportation or communication in
8 interstate commerce or by use of the mails, directly or indirectly:

9 (a) to employ any device, scheme, or artifice to defraud;

10 (b) to obtain money or property by means of any untrue statement of a material
11 fact or any omission of a material fact necessary in order to make the statements made, in
12 light of the circumstances under which they were made, not misleading; or

13 (c) to engage in any transaction, practice, or course of business which operates or
14 would operate as a fraud or deceit upon the purchaser.

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

20 III.

21 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
22 Defendant Sripetch is permanently restrained and enjoined from violating Section 5 of the
23 Securities Act, 15 U.S.C. § 77e, by, directly or indirectly, in the absence of any applicable
24 exemption:

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

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
13 who receive actual notice of this Final Judgment by personal service or otherwise: (a)
14 Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in
15 active concert or participation with Defendant or with anyone described in (a).

16 IV.

17 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
18 Defendant Sripetch is permanently restrained and enjoined from violating Section 9(a)(1)
19 of the Exchange Act, 15 U.S.C. § 78i(a)(1), by, directly or indirectly, by the use of the
20 mails or any means or instrumentality of interstate commerce, or of any facility of any
21 national securities exchange, for the purpose of creating a false or misleading appearance
22 of active trading in any security other than a government security, or a false or misleading
23 appearance with respect to the market for any such security, (A) to effect any transaction
24 in such security which involves no change in the beneficial ownership thereof, or (B) to
25 enter an order or orders for the purchase of such security with the knowledge that an order
26 or orders of substantially the same size, at substantially the same time, and at substantially
27 the same price, for the sale of any such security, has been or will be entered by or for the
28 same or different parties, or (C) to enter any order or orders for the sale of any such security

1 with the knowledge that an order or orders of substantially the same size, at substantially
2 the same time, and at substantially the same price, for the purchase of such security, has
3 been or will be entered by or for the same or different parties.

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

9 V.

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

16 VI.

17 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
18 Defendant Sripetch is liable for disgorgement of \$2,251,923.16, representing net profits
19 gained as a result of the conduct alleged in the Complaint, together with prejudgment
20 interest thereon in the amount of \$1,051,353.77, for a total of \$3,303,276.93. Defendant
21 Sripetch will satisfy this obligation by paying \$3,303,276.93 to the Securities and
22 Exchange Commission within 30 days after entry of this Final Judgment. Funds transferred
23 to the Commission pursuant to Section VII herein will offset Defendant's \$3,303,276.93
24 obligation.

25 Defendant Sripetch may transmit payment electronically to the Commission, which
26 will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also
27 be made directly from a bank account via Pay.gov through the SEC website at
28 <http://www.sec.gov/about/offices/ofm.htm>. Defendant Sripetch may also pay by certified

1 check, bank cashier's check, or United States postal money order payable to the Securities
2 and Exchange Commission, which must be delivered or mailed to:

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

7 and must be accompanied by a letter identifying the case title, civil action number, and
8 name of this Court; Ongkaruck Sripetch as a defendant in this action; and specifying that
9 payment is made pursuant to this Final Judgment.

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

14 The Commission will hold the funds (collectively, the "Fund") until further order of
15 this Court. The SEC may propose a plan to distribute the Fund subject to the Court's
16 approval, and the Court will retain jurisdiction over the administration of any distribution
17 of the Fund.

18 The Commission may enforce the Court's judgment for disgorgement and
19 prejudgment interest by using all collection procedures authorized by law, including, but
20 not limited to, moving for civil contempt at any time after 30 days following entry of this
21 Final Judgment. Defendant will pay post judgment interest on any amounts due after 30
22 days of entry of this Final Judgment pursuant to 28 U.S.C. § 1961.

23 VII.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that within 3 days
25 after being served with a copy of this Final Judgment, E*Trade by Morgan Stanley
26 ("E*Trade") must transfer the entire balance of the following brokerage accounts which
27 were frozen pursuant to an Order of this Court to the Commission:
28

Account Name	Account Number Ending in:
Ongkaruck Sripetch	****0535
Ongkaruck Sripetch	****6070
Ongkaruck Sripetch SEP	****6399
Adtron, Inc., (Ongkaruck Sripetch, president)	****6567

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that within 3 days after being served with a copy of this Final Judgment, TD Ameritrade, N.A. must transfer the entire balance of the following brokerage account which was frozen pursuant to an Order of this Court to the Commission:

Account Name	Account Number Ending in:
Adtron, Inc. (Ongkaruck Sripetch, president)	****7567

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that within 3 days after being served with a copy of this Final Judgment, Bank of the West n/k/a BMO Financial Group, must transfer the entire balance of the following bank account which was frozen pursuant to an Order of this Court to the Commission:

Account Name	Account Number Ending in:
Adtron, Inc. (Ongkaruck Sripetch, president)	054-42-xxxx

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that within 3 days after being served with a copy of this Final Judgment, Citibank, N.A. must transfer the entire balance of the following brokerage account which was frozen pursuant to an Order of this Court to the Commission:

Account Name	Account Number Ending in:
Ongkaruck Sripetch	****3791

E*Trade, Citibank, N.A., TD Ameritrade, N.A. and Bank of the West 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>. E*Trade Securities, LLC, Citibank, N.A., TD Ameritrade, N.A. and Bank of the West also may transfer these funds by certified check, bank cashier’s check, or United States postal money order payable to the Securities and Exchange Commission, which must be delivered or mailed to:

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and must be accompanied by a letter identifying the case title, civil action number, and name of this Court; and specifying that payment is made pursuant to this Final Judgment.

VIII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the allegations in the operative complaint are true and admitted by Defendant Sripetch, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant Sripetch under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant Sripetch 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).

///

IX.

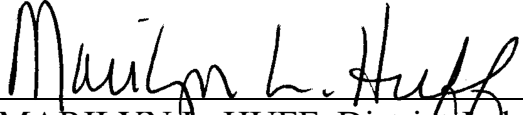
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court will retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

X.

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

IT IS SO ORDERED.

DATED: April 17, 2024



MARILYN L. HUFF, District Judge
UNITED STATES DISTRICT COURT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28