

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97660 / June 7, 2023

ADMINISTRATIVE PROCEEDING
File No. 3-21087

In the Matter of

DAMIAN OSTERTAG,

Respondent.

**ORDER MAKING FINDINGS AND
IMPOSING REMEDIAL SANCTIONS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934**

I.

The Securities and Exchange Commission (“Commission”) deemed it appropriate and in the public interest to institute public administrative proceedings pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) against Damian Ostertag (“Ostertag” or “Respondent”).

II.

In connection with these proceedings, Respondent has now submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, Respondent admits the Commission’s jurisdiction over him and the subject matter of these proceedings, and the findings contained in paragraph 2 below, and consents to the entry of this Order Pursuant to Section 15(b) of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent's Offer, the Commission finds that

1. Respondent is a resident of American Canyon, California. He is not registered with the Commission in any capacity, nor was he at any point during the relevant period described below. From at least 2016 to 2019, Respondent acted as a broker for an unregistered fraudulent sports betting securities offering from QSA, LLC ("QSA") without being registered as a broker or associated with a registered broker-dealer.
2. On October 4, 2021, a final judgment was entered against Respondent, permanently enjoining him from future violations of Section 5 of the Securities Act of 1933 ("Securities Act") and Section 15(a) of the Exchange Act, in the civil action entitled Securities and Exchange Commission v. Damian Ostertag, et al., Civil Action Number 2:19-cv-01515-APG-VCF, in the United States District Court for the District of Nevada.
3. The Commission's complaint alleged that from July 2016 to October 2018, Respondent solicited customers for, and effected the sale of, the securities of QSA without registering independently as a broker or being affiliated with any registered broker. The complaint also alleged that Ostertag sold unregistered securities of QSA, when no registration exemptions applied. The complaint also alleged that Ostertag, through QSA, received over \$414,000 in commissions for selling QSA securities.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Ostertag's Offer.

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act, that Respondent Ostertag be, and hereby is barred from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and

Pursuant to Section 15(b)(6) of the Exchange Act Respondent Ostertag be, and hereby is barred from participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent or other person who engages in activities with a broker, dealer or issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock.

Any reapplication for association by the Respondent will be subject to the applicable laws and regulations governing the reentry process, and reentry may be conditioned upon a number of factors, including, but not limited to, compliance with the Commission's order and payment of any or all of the following: (a) any disgorgement or civil penalties ordered by a Court against the

Respondent in any action brought by the Commission; (b) any disgorgement amounts ordered against the Respondent for which the Commission waived payment; (c) any arbitration award related to the conduct that served as the basis for the Commission order; (d) any self-regulatory organization arbitration award to a customer, whether or not related to the conduct that served as the basis for the Commission order; and (e) any restitution order by a self-regulatory organization, whether or not related to the conduct that served as the basis for the Commission order.

By the Commission.

Vanessa A. Countryman
Secretary