

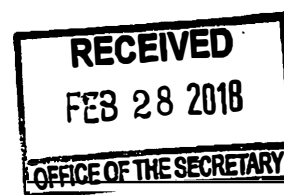
UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
100 F Street, N.E.  
WASHINGTON, D.C. 20549-4010

DIVISION OF  
ENFORCEMENT

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February 28, 2018

**Filed with Hand Delivered**  
**Courtesy Copy to Chambers**



The Honorable Brenda P. Murray  
Chief Administrative Law Judge  
U.S. Securities and Exchange Commission  
100 F Street NE  
Washington DC 20549

**Re: In the Matter of David Lubin, Admin. Proceeding File No. 3-18070**

Dear Chief Judge Murray,

I write on behalf of the Division of Enforcement to report that the parties anticipate that they will shortly be filing a joint motion pursuant to SEC Rule of Practice 161(c)(2) to stay this proceeding pending Commission consideration of a settlement agreement in principle. We also wish to update Your Honor regarding the status of the "Related Action" captioned *United States v. Lubin*, 1:17-cr-20508-MGC (S.D. Fla.).

Your Honor previously accepted the parties' joint proposal to defer setting a schedule in this proceeding until the entry of a final judgment in the Related Action. See Order Following Prehearing Conference ("Order") dated August 24, 2017; Notice Regarding Securities and Exchange Commission's Order on Pending Administrative Proceedings dated December 11, 2017. Although an "Interim Judgment" had been issued in the Related Action, and a thirty-six month prison sentence imposed upon Respondent David Lubin, no final judgment had been issued. See Division Letter to Hon. Brenda P. Murray dated December 7, 2017, Exhibit 1. A restitution hearing was scheduled in the Related Action for February 21, 2018. As the Division informed Your Honor, it was anticipated that the outcome of the restitution hearing would likely facilitate a fully dispositive settlement in this proceeding.

The Division can now report that the hearing on restitution was cancelled by the Court and will not be rescheduled according to the Assistant United States Attorney

Hon. Brenda P. Murray  
Chief Administrative Law Judge  
February 28, 2018  
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In the Matter of David Lubin  
Administrative Proceeding File No. 3-18070

handling the case. However, the Division has also recently learned that Mr. Lubin had been previously ordered to forfeit over \$300,000 in fraud proceeds, including over \$73,000 determined to be traceable to the conduct that is at issue in this proceeding. See Judgment of Forfeiture dated December 5, 2017, *United States v. Lubin*. (Attached hereto as Exhibit 1.) Mr. Lubin is also scheduled to begin serving his prison sentence on June 1, 2018. Thus, although there is still no "final judgment" on the docket in the Related Action, the parties now have sufficient information about it to discuss appropriate settlement terms in this proceeding.

The parties have in fact discussed settlement and the Division believes that they have reached an agreement in principle on its basic terms. We anticipate reducing the agreement in principle to writing in the near future. The Division will promptly seek Commission approval once a signed settlement offer with an appropriate prejudgment waiver is received from Mr. Lubin. It is anticipated that this process may take at least four to six weeks. As mentioned above, the Division also anticipates that the parties soon will be filing a joint motion for a stay in this matter pursuant to Rule 161(c)(2). The Division proposes, therefore, that Your Honor continue to defer conducting a Pretrial Conference pending receipt of the parties' anticipated joint motion.

We thank Your Honor for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Duane K. Thompson". The signature is written in a cursive style with a large initial "D".

Duane K. Thompson  
Daniel Maher  
Counsel to the Division of Enforcement

cc: Respondent David Lubin

# EXHIBIT 1

AWL:awl

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-20508-CR-COOKE

UNITED STATES OF AMERICA,

vs.

DAVID LUBIN,

Defendant.

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**JUDGMENT OF FORFEITURE**

THIS CAUSE came before the Court upon the motion of the United States, pursuant to the procedures set forth at Fed.R. Crim.P. 32.2(b) for the entry of a forfeiture order, pronouncement of forfeiture at sentencing and inclusion of forfeiture in the judgment. Based on the record in this matter, the plea agreement of the defendant, and for good cause shown, the Court finds as follows with respect to forfeiture in this action as to defendant, DAVID LUBIN:

An Information was filed charging defendant, DAVID LUBIN (“defendant”), with a violation of Title 18, United States Code, Section 371, specifically a conspiracy to unlawfully sell unregistered securities. The Information contained forfeiture allegations which placed defendant on notice, should he be convicted, that the United States would seek forfeiture.

Defendant entered into a Plea Agreement in which, among other things, he agreed to assist with forfeiture and agreed to pronouncement of forfeiture as part of his sentence [DE 12, p. 3, ¶6]. Defendant and the United States agree that the total proceeds to be forfeited is \$309,364.83, which includes \$73,542 specifically traceable to Entertainment Art (“EERT”), now Biozoom. Defendant has agreed to submit a payment plan, acceptable to the United States, not later than

ninety days after sentence is imposed.

At sentencing, the Court, pursuant to Fed.R.Crim.P. 32.2(b)(4)(B), “must include the forfeiture when orally announcing the sentence. . .and must also include the forfeiture order, directly or by reference, in the judgment . . .”

Accordingly, it is:

ORDERED and ADJUDGED:

1. Forfeiture, in the amount of \$309,364.83 (US) is entered against defendant, DAVID LUBIN.
2. Defendant shall formulate a payment plan for the forfeiture amount, acceptable to the United States, not later than ninety days after sentence is imposed. The United States shall not take any forfeiture action to collect the forfeiture judgment prior to ninety days expiring.
3. Should defendant fail to formulate an acceptable plan within the stated ninety day time period, or should defendant materially breach the agreed payment plan, then, in accordance with Title 21, United States Code, Section 853(p), made applicable by Title 28, United States Code, Section 2461(c), the United States may forfeit any property of the defendant, up to the value of the forfeiture money judgment., by attachment, garnishment, execution, or any other legal remedy on any property or asset belonging to the defendant, or in which the defendant has an interest, in order to satisfy the outstanding amount owed by the defendant to the United States.
4. Duly authorized law enforcement officials, shall seize and take custody of property for forfeiture under this Order pursuant to Title 21, United States Code, Section 853(g) and (p).
5. The United States is further authorized, pursuant to Title 21, United States Code, Section 853(m) and Fed.R.Crim.P. 32.2(c)(1) to conduct any discovery necessary, including depositions, to identify, locate or dispose of property for forfeiture herein or in order to expedite

ancillary proceedings related to any third-party petition or claim with respect to any forfeited property. All appropriate third parties, including those who co-own assets sought in satisfaction of any outstanding amounts owed to the United States, shall be given notice and the opportunity to contest the forfeiture under the relevant statutes.

6. The Court shall retain jurisdiction in this matter to take additional action and enter further order as necessary to implement and enforce this forfeiture order and judgment.

This Judgment of Forfeiture is final as to the defendant, DAVID LUBIN as of his sentencing and is incorporated into the sentence and judgment against him.

DONE and ORDERED in Chambers at Miami, Florida, on this 29<sup>th</sup> day of *November* 2017.

A handwritten signature in cursive script, appearing to read 'M. G. Cooke', written in black ink.

MARCIA G. COOKE  
UNITED STATES DISTRICT JUDGE

**Diversified Telecommunication Services  
 Company Overview of BellSouth Telecommunications, LLC**

November 29, 2017 9:39 AM ET

Snapshot

People

**Company Overview**

BellSouth Telecommunications, LLC provides wire-line telecommunication services to the residential and commercial communities in Florida, Georgia, North Carolina, South Carolina, Alabama, Kentucky, Louisiana, Mississippi, and Tennessee. The services include local exchange, network access, and long distance services. The company installs, maintains, and provides telecommunications facilities and services for use by DOE and its contractors. Its customers are the small and complex businesses, and network and carrier services businesses. The company was formerly known as South Central Bell Telephone Company and changed its name to BellSouth Telecommunications, LLC in 1992. BellSouth Telecommunic...

**Detailed Description**

675 West Peachtree Street North East  
 Atlanta, GA 30375  
 United States  
 Phone: 404-927-1909  
 Founded in 1968

**Key Executives For BellSouth Telecommunications, LLC**

- Mr. Guy L. Cochran**  
Chief Financial Officer and Controller
  - Mr. Hood Harris**  
President of AT&T Kentucky
  - Mr. Joe York**  
President of AT&T Florida  
Age: 49
  - Ms. Mary Pat Regan**  
Assistant Vice President of National Regulatory Services
- Compensation as of Fiscal Year 2017.

**Similar Private Companies By Industry**

Company Name	Region
1 Com, Inc.	United States
1-800-RECONEX, Inc.	United States
123.Net Inc.	United States
1800Prepaid	United States
1TDS.com, LLC.	United States

**Recent Private Companies Transactions**

Type	Target
Date	
No transactions available in the past 12 months.	

**Request Profile Update**

CERTIFICATE OF SERVICE

Pursuant to SEC Rule of Practice 151(d), the undersigned hereby certifies that a true and correct copy of the foregoing letter to Chief Administrative Law Judge Brenda P. Murray was served upon Respondent (who we understand is not currently represented by counsel in this proceeding) this 28<sup>th</sup> day of February 2018 via electronic mail addressed to him at [lubin1836@gmail.com](mailto:lubin1836@gmail.com).

s/Duane K. Thompson

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Duane K. Thompson