

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-21948

In the Matter of

MARK ALLAN PLUMMER,

Respondent.

DIVISION OF ENFORCEMENT'S
SUBMISSION OF SUPPLEMENTAL
MATERIALS IN SUPPORT OF DEFAULT
JUDGMENT

Pursuant to Rule 155 of the Securities and Exchange Commission's ("Commission") Rules of Practice, the Division of Enforcement ("Division") submits these supplemental materials in support of its motion for default judgment against Respondent Mark Allan¹ Plummer ("Plummer" or "Respondent").

I. PROCEDURAL BACKGROUND

On September 30, 2021, the Commission filed its complaint alleging securities fraud and registration violations in *Securities and Exchange Commission v. Mark Allan Plummer, et al.*, Civil Action Number 3:21-CV-02331 (N.D. Tex. Dallas Division). *See* Exhibit 1, Complaint (**APP. 0001-0033**). On February 20, 2024, U.S. District Judge Jane J. Boyle issued an Order granting the SEC's motion for judgment by default against Plummer. *See* Exhibit 2, District Court Order, Dkt. No. 68 (**APP. 0034-0041**). In that Order, the Court set forth Findings of Fact and Conclusions of Law supporting the entry of judgment against Plummer and two co-defendants. *Id.* Also on February 20, 2024, the Court entered Final Judgment by Default as to Plummer. *See* Exhibit 3,

¹ The Commission noted that documents in this proceeding have spelled Plummer's middle name inconsistently and directed the Division to confirm the correct spelling. The Division confirms that Respondent's middle name is spelled "Allan" as reflected in the caption of the OIP.

Final Judgment, Dkt. No. 69 (**APP. 0042-0049**). The court's Final Judgment: (a) permanently enjoined Plummer from future violations of Sections 10(b) and 15(a) of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 10b-5 thereunder and Section 17(a) of the Securities Act of 1933 ("Securities Act"), (b) permanently enjoined Plummer from participating in the issuance, purchase, offer, or sale of any security in an unregistered transaction, and (c) ordered Plummer, jointly and severally with his company Richmond Engineering, Inc., to pay disgorgement of \$3,437,500, representing net profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$333,903.01, and a civil penalty in the amount of \$1,718,750 pursuant to Section 20(d) of the Securities Act and Section 21(d)(3) of the Exchange Act. *Id.* (**APP. 0042-0046**).

On May 22, 2024, the Commission instituted this proceeding against Plummer through the issuance of an Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Exchange Act and Notice of Hearing (the "OIP"). Exch. Act. Rel. No. 94576. The Commission then issued an Order Regarding Service, requiring the Division to file a status report concerning service of the OIP by August 30, 2024. Exch. Act. Rel. No. 100741. On August 30, 2024, the Division filed a Notice Regarding Status of Service establishing that service of the OIP was made on Plummer on August 19, 2024.

On October 11, 2024, the Commission issued an Order to Show Cause. Exch. Act. Rel. No. 101311. The Commission ordered Plummer to show cause by October 25, 2024 why he should not be deemed in default due to his failure to file an answer or to otherwise defend this proceeding. *Id.* The Commission noted that, "[w]hen a party defaults, the allegations in the OIP will be deemed to be true and the Commission may determine the proceeding against that party upon consideration of the record without holding a public hearing." *Id.* Plummer did not file a submission in response to

the October 11, 2024, Order. On November 21, 2024, the Division filed its Motion for Entry of Default and Remedial Sanctions, noting Plummer's failure to respond to the Show Cause order, citing the district court's findings of fact, and asking the Commission for the entry of default against Plummer and an order of injunctive remedies against him.

On September 5, 2025, observing that the Division's motion for default judgment had relied on the allegations of its complaint in district court resulting in default judgment in that action, the Commission ordered the Division to submit additional materials to allow the Commission to "make an individualized assessment of whether those sanctions are in the public interest." *See* Order Directing Additional Submissions, Exch. Act Rel. No. 103882. To date, Plummer has neither filed an answer to the OIP nor responded to the Commission's Order to Show Cause.

II. SUPPLEMENTAL FACTS

Plummer is a securities fraud recidivist. OIP at 1. On June 26, 2019, the Commission filed an earlier case, *SEC v. Mark Allan Plummer*, No. 3:19-cv-01538-G (N.D. Tex.), alleging that Plummer disseminated false and misleading offering materials and misappropriated investor funds in connection with a securities offering relating to oil and gas projects. Plummer agreed to a final judgment permanently enjoining him from violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder and Section 17(a) of the Securities Act, and requiring him to pay disgorgement of \$399,011, prejudgment interest of \$33,008, and a \$75,000 civil penalty. *See SEC v. Plummer* Final Judgment, Exhibit 8, **APP. 0126-0131**.

In *FINRA Dept. of Enforcement v. Plummer, et al.*, Disciplinary Proceeding No. 2014040501801, Dec. 13, 2016, a hearing panel found that that Plummer provided a false document and false testimony to FINRA, barred Plummer, and ordered him to pay restitution to affected

customers for misusing their funds. *See* Exhibit 4, FINRA Extended Hearing Panel Decision, **APP. 0050-0084**.

In the matter at issue here, Petroleum Resources offered investment contracts for units in oil and gas projects. OIP at II. Petroleum Resources raised funds from investors primarily solicited through Plummer's Smart Oil and Gas radio show. *See* March 30, 2021 Testimony of Emilio Barrera ("Barrera Test."), Exhibit 5, pp. 81-85, **APP. 0086-0089**. Plummer routinely gave listeners an 800 number that went directly to Petroleum Resources sales staff. *See* December 30, 2020 Testimony of Todd Prince ("Prince Test."), Exhibit 6, p. 59, **APP. 0112**. To close sales with the callers, Plummer trained sales brokers and regularly ran sales training meetings in which he drilled sales staff on how to overcome various objections to investing with Petroleum Resources. *See Id.*, pp. 55-58, **APP. 0108-0111**. Plummer gave sales scripts to the Petroleum Resources brokers. *See Id.*, pp. 61-66, **APP. 0113-0118**.

Once Petroleum Resources received investor funds, Plummer decided how the funds would be allocated, including paying his own company, Richmond Engineering, Inc. *See* Barrera Test., pp. 81-84, **APP. 0086-0089**. Plummer received "a certain amount of money out of each sale," according to a Petroleum Resources salesman. *See* January 15, 2021 Testimony of Todd Breitling ("Breitling Test."), Exhibit 7, pp. 28-29, **APP. 0122-0123**.

In training sales staff to solicit investment and in creating Petroleum Resources offering documents, Plummer repeatedly made misstatements and omitted information to unwitting investors. For example, in offering documents that he helped prepare (Barrera Test., pp. 253-255, **APP. 0102-0104**), Plummer failed to disclose (1) that the Texas State Securities Board had issued a cease-and-desist order against him, Richmond Engineering, Inc., Petroleum Resources of Texas, and others (*Id.* at pp. 228-231, **APP. 0095-0098**); (2) that Mike Barrera, the President of Petroleum

Resources, was on felony probation and had been ordered to wear an electronic monitoring device (*Id.* at pp. 215-218, 242-244, **APP. 0091-0094; 0099-0101**); (3) and that Plummer, a securities fraud recidivist, was the majority owner of the wells Petroleum Resources was funding and that the success of those wells depended on Plummer's decisions (*Id.* at pp. 242-244).

III. ARGUMENT

A. Respondent is in default.

Plummer was properly served on August 19, 2024, pursuant to Rule 141(a)(2)(i) of the Rules of Practice, as reflected by the Commission's October 11, 2024 Order to Show Cause. *See* Exch. Act Rel. No. 101311. Having been properly served, Plummer was required by Rule 220 of the Rules of Practice to file an answer within 20 days of August 19, 2024. To date, Plummer has not filed an answer.

B. The allegations in the OIP are deemed true.

Because Plummer has failed to answer the OIP, Rule 155 of the Rules of Practice provides that Plummer may be deemed to be in default and the Commission may determine the proceeding against him upon consideration of the record, including the OIP, *the allegations of which may be deemed to be true*. *See* 17 C.F.R. § 201.155(a)(2) (emphasis added). As Rule 155(a) and the Commission's October 11, 2024 Order to Show Cause make clear, when a party defaults, the allegations in the OIP may be deemed true. Additionally, the evidence presented herein provides ample support for an associational bar against Plummer.

C. The Commission Should Impose Remedial Sanction Against Plummer.

This proceeding was instituted to determine "what, if any remedial action is appropriate in the public interest against Respondent pursuant to Section 15(b) of the Exchange Act." OIP, § III.B. Exchange Act Section 15(b)(6)(A)(iii) authorizes the Commission to impose an

associational bar against a respondent if (i) the individual was associated with a broker-dealer at the time of the alleged misconduct, (ii) the individual has been the subject of an injunction against acting as a broker-dealer or engaging in any conduct in connection with the purchase or sale of a security, and (iii) the bar is in the public interest. *See* 15 U.S.C. § 78o(b)(6)(A)(iii). Here, Plummer meets all the elements required for an associational bar.

1. Plummer Acted as an Unregistered Broker and Was an “Associated Person.”

For the purposes of Section 15(b), an “associated person” includes persons who act as an unregistered broker. *See Edward J. Driving Hawk*, 2010 WL 2685821, at *5 n.4 (Jul. 7, 2010), Notice of Finality, 2010 WL 3071381 (Aug. 5, 2010). A number of factors are relevant in determining whether a person was acting as a broker, including (but not limited to): (1) solicitation of investors to purchase securities; (2) involvement in negotiations between the issuer and the investor; (3) receipt of transaction-related compensation; (4) making valuations as to the merits of an investment or giving advice; (5) handling of customer funds; and (6) history of selling securities of other issuers. *See, e.g., SEC v. Hansen*, No. 83-cv-3692, 1984 WL 2413, *26 (S.D.N.Y. Apr. 6, 1984); *SEC v. Martino*, 255 F. Supp. 2d 268, 283 (S.D.N.Y. 2003), *aff’d and remanded*, 94 F. App’x 871 (2d Cir. Apr. 22, 2004); *SEC v. Bengier*, 697 F. Supp. 2d 932, 944-45 (N.D. Ill. 2010). The factors listed above are not exclusive, and not all of them, or any particular number of them, must be satisfied for a person to be a broker. *See Bengier*, 697 F. Supp. 2d at 945 (explaining that the *Hansen* factors “were not designed to be exclusive”).

As noted above, Plummer (1) regularly solicited investors and trained the Petroleum Resources sales staff that closed sales between investors and the issuer, (2) recommended to investors that they invest in Petroleum Resources securities, (3) drafted sales scripts and sales materials for distribution to investors that made representations about the merits of the

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investments (and, notably, made material omissions), (4) controlled the disposition of offering proceeds, once received by Petroleum Resources, and (5) compensated himself with the investors' funds. The clear weight of the *Hansen* factors show that Plummer acted as an unregistered broker in the offer and sale of securities in the form of oil-and-gas partnership units.

2. The District Court Enjoined Plummer

As reflected in the most recent final judgment entered against Plummer, the District Court permanently enjoined him from future violations of Section 17(a) of the Securities Act and Section 10(b) of the Exchange Act and Rule 10b-5 thereunder, and from aiding and abetting any violation of Exchange Act Section 15(a). **APP. 0042-0049.** The District Court further enjoined Plummer from participating, directly or indirectly, in the issuance, purchase, offer, or sale of any securities.² *Id.* The final judgment further barred Plummer from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act or that is required to file reports pursuant to Section 25(d) of the Exchange Act. *Id.*

3. It Is in the Public Interest to Bar Plummer.

In determining whether remedial sanctions are in the public interest, the Commission considers the factors set forth in *Steadman v. SEC*, 603 F.2d 1126, 1140 (5th Cir. 1979), *aff'd on other grounds*, 450 U.S. 91 (1981). *See David R. Wulf*, Exchange Act Release No. 77411, 2016 SEC LEXIS 1074, at *13-14 (March 21, 2016), *vacated in part on other grounds*, Exchange Act Release No. 86309, 2019 SEC LEXIS 1665 (July 5, 2019); *Brendan E. Murray*, Advisers Act Release No. 2809, 2008 SEC LEXIS 2924, at *34-35 (Nov. 21, 2008). These factors include: (1) the egregiousness of a respondent's actions; (2) the degree of scienter involved; (3) the isolated or

² The injunction contains a single exception that allows Plummer to purchase securities listed on a national securities exchange for his own personal account.

recurrent nature of the infraction; (4) the recognition of the wrongful nature of the conduct; (5) the sincerity of any assurances against future violations; and (6) the likelihood that the respondent's occupation will present opportunities for future violations. *Steadman*, 603 F.2d at 1140. No single factor is dispositive. *Id.*

Plummer's conduct was egregious, recidivist, recurred over a period of years, and was intentional. Further, Plummer has not acknowledged his most recent wrongful conduct or provided any assurances against future violations. Rather, Plummer has chosen to ignore two separate legal proceedings instituted against him to hold him responsible for his conduct.

a. Plummer's conduct was egregious.

As described above, Plummer is a securities fraud recidivist who operated a securities fraud with a convicted felon and concealed these backgrounds from investors. He directed their funds to his own use and concealed the fact that he was in charge of the disposition of investor funds. This is egregious conduct.

b. Plummer acted with a high degree of scienter.

Acting as an unregistered broker and using his radio audience to funnel investors to Petroleum Resources, Plummer trained sales staff and prepared sales materials that omitted critical information about the investments. Plummer also misrepresented basic facts about his involvement with the projects and knowingly concealed his and others' regulatory history from investors. Plummer's misconduct was not merely negligent, but knowing and intentional.

c. Plummer's misconduct recurred over a period of many years.

Long before the conduct described in the OIP, Plummer was not only found to have misused investor funds, but he was also found to have given false testimony and fabricated documents in a FINRA proceeding. *See* Exhibit 4. As described above, Plummer is a serial violator of federal and

state securities laws. Further, the conduct at issue in the district court action giving rise to the OIP spanned nearly two years. Exhibit 5, p. 11, **APP. 0085.1**. There is no question that Plummer's misconduct was extended and recurrent.

d. Plummer has neither recognized the wrongful nature of his conduct nor provided any assurances against future violations.

There is no evidence in the record (or otherwise) to reflect that Plummer has admitted his wrongdoing, recognized the wrongful nature of his actions, or provided any assurances against future violations. On the contrary, he has chosen to ignore two legal proceedings (this AP and the District Court case) brought against him to hold him responsible for his actions.

Additionally, Plummer's status as a securities fraud recidivist further informs this factor. Rather than acknowledge that prior wrongdoing, Plummer chose to conceal his (and others') regulatory history from investors while soliciting investment in Petroleum Resources. These actions do not reflect acknowledgment of wrongdoing or assurance against future violations.

e. Plummer's occupation.

At best, this factor is neutral, because Plummer's failure to participate in this proceeding precludes the Division from determining, or presenting evidence of, Plummer's current occupation and whether that occupation presents opportunities for future violations.

On balance, the *Steadman* factors weigh heavily in favor of protecting the public interest by imposing remedial sanctions against Plummer.

D. The Commission should bar Plummer.

The Commission should issue a broad, industrywide bar against Plummer, as authorized by the Dodd-Frank Wall Street Reform and Consumer Protection Act., Pub. L. No. 111-203, 123 Stat. 1376 (2010). The Dodd-Frank law amended Exchange Act Section 15(b)(6) to "expand[]

the categories of associational bars, allowing the Commission to impose a broad collateral bar on

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participation throughout the securities industry.” *Vladimir Boris Bugarski*, Exchange Act Rel. No. 66842, 2012 WL 1377357, *3 n.11 (Apr. 20, 2012). The amendments expanding the scope of the associational bar became effective July 21, 2010. *George Charles Cody Price*, Advisers Act Release No. 4631, 2017 WL 405511, at *3 n.14 (Jan. 30, 2017).

Here, Plummer’s continued and egregious misconduct amply supports an industry-wide bar, particularly in light of his status as an unrepentant recidivist. Accordingly, the Commission should bar Plummer from:


- association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and
- 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.

IV. CONCLUSION

For the reasons described above, the Division respectfully requests that the Commission grant this relief pursuant to Section 15(b) of the Exchange Act.

Dated: November 14, 2025.

Respectfully submitted,


Matthew J. Gulde
Illinois Bar No. 6272325
Attorney for the Division of Enforcement
Securities and Exchange Commission
Burnett Plaza, Suite 1900
801 Cherry Street, Unit #18
Fort Worth, Texas 76102-6882
E-mail: guldem@sec.gov
Telephone: (817) 978-1410
Facsimile: (817) 978-4096

SERVICE LIST

In accordance with Rule 150 of the Commission's Rules of Practice, I hereby certify that a true and correct copy of the foregoing ***DIVISION OF ENFORCEMENT'S SUBMISSION OF SUPPLEMENTAL MATERIALS IN SUPPORT OF DEFAULT JUDGMENT*** was served on the persons listed below on the 14th day of November, 2024, *via* certified mail, return-receipt requested:

CERTIFIED MAIL
Mark Allan Plummer

[REDACTED]

Pro Se Respondent

[REDACTED]

Matthew J. Gulde

[REDACTED]