

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**SECURITIES EXCHANGE ACT OF 1934**  
**Release No. 92497 / July 26, 2021**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-16941**

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<b>In the Matter of</b>	:	<b>ORDER APPROVING PLAN</b>
	:	<b>OF DISTRIBUTION AND</b>
<b>Scott A. Doak,</b>	:	<b>AUTHORIZING TRANSFER</b>
	:	<b>OF FAIR FUND</b>
<b>Respondent.</b>	:	
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On November 4, 2015, the Commission issued an Order Instituting Administrative and Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1933, Section 21C of the Securities Exchange Act of 1934, Sections 203(f) and 203(k) of the Investment Advisers Act of 1940, and Section 9(b) of the Investment Company Act of 1940, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (the “Order”)<sup>1</sup> against Respondent. In the Order, the Commission found that, from at least 2010 through 2014, William M. Apostelos (“Apostelos”) and companies he controlled violated the registration and anti-fraud provisions of the federal securities laws by conducting fraudulent, unregistered offers of securities and misappropriating investor funds to pay earlier investors and promoters, finance other businesses he and his wife owned, and pay his personal expenses. Doak, an emergency medicine physician, became a client of Apostelos no later than 2007. According to the Order, in early 2013, Doak, Apostelos, and other individuals began operating OVO Wealth Management, LLC (“OVO”), a state-registered investment adviser. After approximately a year of operations, OVO was wound down, and Doak made oral and written misrepresentations and omissions to OVO clients to induce them to transfer their advisory accounts to investments controlled by Apostelos.

The Order found that Doak violated the registration provisions of the federal securities laws by offering and selling securities issued by entities controlled by Apostelos. Doak and OVO also violated the anti-fraud provisions of the federal securities laws by making misrepresentations and omissions while advising OVO clients to invest their advisory accounts in investments controlled by Apostelos. Through the same conduct, Doak aided and abetted and caused the violations of Apostelos and OVO.

<sup>1</sup> Securities Act Rel. No. 9976 (Nov. 4, 2015).

The Commission ordered Respondent to pay disgorgement of \$86,833.34, prejudgment interest of \$2,874.44, and civil penalties of \$160,000.00, for a total of \$249,707.78, to the Commission, pending a decision whether the Commission would seek to distribute funds or transfer them to the U.S. Treasury.

On June 10, 2021, the Commission issued an order<sup>2</sup> that established a Fair Fund, pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, so that the civil penalty paid, along with the disgorgement and prejudgment interest paid, can be distributed to harmed investors (the “Fair Fund”).

The Fair Fund includes the \$249,707.78 paid by Respondent. The assets of the Fair Fund are subject to the continuing jurisdiction and control of the Commission. The Fair Fund has been deposited in an interest-bearing account at the U.S. Department of Treasury’s Bureau of the Fiscal Service.

The Division of Enforcement (the “Division”) concluded that distributing the Fair Fund through the criminal restitution process in the related criminal action, *United States v. Apostelos*, No. 3:15-cr-00148-TMR (S.D. Ohio) (the “Criminal Action”) is fair and reasonable, because it employs a more efficient use of resources to benefit investors harmed as a result of Doak’s misconduct, than would two separate distribution processes.

On June 17, 2021, the Commission published a Notice of Proposed Plan of Distribution and Opportunity for Comment (the “Notice”)<sup>3</sup> pursuant to Rule 1103 of the Commission’s Rules on Fair Fund and Disgorgement Plans (the “Commission’s Rules”).<sup>4</sup> The Notice advised interested persons that they could obtain a copy of the proposed plan of distribution (“Proposed Plan”) from the Commission’s public website at <http://www.sec.gov/litigation/fairfundlist.htm> or by submitting a written request to David H. London, Esq., United States Securities and Exchange Commission, 33 Arch Street, 24<sup>th</sup> Floor, Boston, MA 02110.

The Notice also advised that all persons desiring to comment on the Proposed Plan could submit their comments, in writing, no later than thirty (30) days from the date of the Notice (1) to the Office of the Secretary, United States Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-1090; (2) by using the Commission’s Internet comment form (<http://www.sec.gov/litigation/admin.shtml>); or (3) by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). The Commission received no comments on the Proposed Plan during the comment period.

The Proposed Plan provides for the transfer the Fair Fund, plus any accrued interest, less any taxes and fees, to the Court Registry Investment System account (“CRIS Account”) established in the Criminal Action for distribution to harmed investors in accordance with the criminal restitution process in the Criminal Action.

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<sup>2</sup> Order Establishing a Fair Fund, Exchange Act Rel. No. 92140 (June 10, 2021).

<sup>3</sup> Exchange Act Rel. No. 92202 (June 17, 2021).

<sup>4</sup> 17 C.F.R. § 201.1103.

The Division of Enforcement therefore now requests that the Commission approve the Proposed Plan as published and authorize the transfer of the Fair Fund, less any taxes and expenses, to the CRIS Account established in the Criminal Action.

Accordingly, it is hereby ORDERED that:

- A. Pursuant to Rule 1104 of the Commission's Rules, 17 C.F.R. § 201.1104, the Proposed Plan is approved, and the approved Plan of Distribution shall be posted simultaneously with this order on the Commission's website at [www.sec.gov](http://www.sec.gov); and
- B. In accordance with Rule 1102(a) of the Commission's Rules, 17 C.F.R. § 201.1102(a), the Commission staff shall transfer the Fair Fund, plus any accrued interest, less any taxes and fees, to the CRIS Account established in the Criminal Action for distribution to harmed investors.

By the Commission.

Vanessa A. Countryman  
Secretary