



United States of America
Before the Exchange Commission

In the Matter of
Joshua D. Mosshart
Respondent

Chief Administrative Law Judge
Brenda P. Murray

Respondent's Answer

I.

Introduction

In 2011, respondent Joshua D. Mosshart was working as a registered representative at LPL Financial LLC ("LPL"), a securities brokerage firm. That May, and unbeknownst to LPL, Mosshart began raising money for Enviro Board Corporation (Enviro Board").

This statement is false, LPL was fully aware of my involvement with Enviro Board they approved my outside business activities. I have written approvals on multiple occasions showing proof of my constant communication with LPL. LPL was also made aware immediately by me that my LPL clients had interest in investing in Enviro Board. This is on phone recordings with LPL. I notified LPL compliance as soon as my clients had interest in investing outside LPL. This was recorded in writing and on phone conversations. I am the reason FINRA was notified in a timely manner and I made everyone aware of the matter. I provided full cooperation with FINRA, LPL and the SEC from the beginning. When I failed to answer this was outside my character of my consistent involvement. I was an OSJ for LPL and had to report all activities to LPL, this is well documented on phone recordings and with my LPL OSJ. If my OSJ said it wasn't a requirement why would I get in trouble for listening to and taking their advice. This conversation was recorded.

He eventually referred 18 individual, including several of his existing LPL brokerage and advisory clients, to the purported "green Technology" company.

I was transitioning out of the industry and notified all of my friends and family of my new business ventures. My friends and family wanted to invest in a company that was supporting such a good cause. When friends, Family/Investors requested more information I would refer them to Glenn Camp of Enviro Board Corp. Everyone was made aware that Enviro Board was not investment offering approved by LPL, everyone was made aware to utilizing outside advisory CPA, Banker, Tax Attorney etc.. All interested parties were provided with a business plan and proper risk disclosures. Transparency is very important to me if anybody requests any information from me I will always provide it so they can make sound decisions, whether machine sales, panel sales, PR, Media, Investors.

Where they purchased nearly \$5million in Enviro Board securities.

All of my friends and family invested on a non solicited bases because they wanted to support a great cause and help support me and Enviro Board bring affordable housing to the world. If my role was raising money I would have raise \$50m plus in three years and had hundreds of investors.

For his efforts, Mosshart was paid hundreds of thousands of dollars in transaction-based compensation. Because he was "selling away" from LPL, Mosshart was barred in a 2014 FINRA disciplinary action, from associating with FINRA member in any capacity.

I had an employment agreement for \$120k per year, LPL also approved me taking compensation for my sales and marketing efforts of Enviro Board products. I took all Enviro Board compensation as a loan and it was to be transitioned to salary after my LPL resignation. Enviro Board line item 10% of all monies coming in as a loan to support my transition out of the industry. It was never clarified that the monies received were invested back into Enviro Board and used for legal bills to sue Enviro Board and utilized for salary when I was working over 60 hours a week to bring shareholder value. FINRA did not bar me from the industry this is false. I voluntarily signed a consent without admitting or denying the

findings, and solely for the purpose of the proceedings brought by and on behalf of FINRA. FINRA said there would be no fines or penalties if I signed the consent. I had no money for legal representation and didn't want to go through a long legal process not being able to afford proper representation.

In 2016, the commission charged Enviro Board with engaging in a fraudulent and unregistered securities offerings; in light of his role in the course of events, the Commission also sued Mosshart for violations of the Securities and broker-dealer registration provisions of the federal securities laws.

I have e-mails sent to me from Bill Peiffer claiming all of the SEC exemptions and filings were current. I am not a securities attorney or tax lawyer and had no reason to believe Bill Peiffer was misrepresenting those facts. My LPL OSJ specifically told me it was not a requirement to get approvals in writing on arms length transactions on an unsolicited basis as I was transitioning out of LPL. I did not sign contracts, handle monies, negotiate terms or conditions of any of these investments. When I advise clients I have custody of their funds, I sign all contracts, I provide all reporting and commission disclosures. I would never represent a investment that I didn't have these controls because this is all I know as a professional. All interested investors were provided with the following disclosure that an Enviro Board in vestment was not approved by LPL (Fact). I cannot negotiate any terms or conditions or represent you on making trades (fact). All investors were advised to seek outside council CPA, Banker etc.. because this was not my role and I didn't not advice on tax credits. All investors were provided with proper disclosures when requested. I feel it is very unethical to withhold information from potential shareholders if information is requested. Transparency and education should not be misunderstood for mass solicitation. I didn't have any of those same responsibilities I have had as an advisor for the last 17 years.

Mosshart never answered never answered the SEC's complaint, and after considering and denying a spate of serial motions from Mosshart seeking to avoid the consequences of his default-specifically to set aside default, a motion for reconsideration, a motion for relief under rule 59(E) of the Federal Rules of Civil Procedure, and a request for an extension for legal representation- the district court enjoyed Mosshart from future violations of the Federal securities laws, ordered disgorgment, and imposed a civil penalty on March 21, 2018.

The SEC represented to me when I met with them in Los Angeles they were investigating Enviro Board not me and I was fully compliant and provided them with all of the supporting information they requested. Enviro Board also represented to me they were handling all matters with the SEC because they we responsible for all of the investment matter and that this was not my responsibility. When I was served it was addressed to Enviro Board, Bill Peiffer, Glenn Camp and Joshua Mosshart. Why would I think I had to respond to the service if the SEC said I wasn't being investigated, Enviro Board said they are handling all matter and the service wasn't made out to just me (read my Enviro Board Settlement). I have never been in a lawsuit and I was confused with this process. I guess you can misinterpret me never being in a lawsuit because I was in three of them simultaneously and it gets confusing representing yourself especially when your having health conditions, anxiety, depression, heart pains and gain 40 lbs. from stress and feeling like you want to die. I eventually responded with evidence, client affidavits etc... and the judge would not consider any evidence because he was hung up on me not responding initially. I told the SEC all of the investors would come down to the SEC offices in Los Angeles and testify that I did not disgorge them and the SEC said no. I told the SEC to request a written response from my OSJ at LPL that I didn't notify them of this matter and they said no.

The Division of Enforcement now requests that Mosshart be permanently barred from association with any broker dealer, investment advisor, municipal securities dealer, municipal advisor, transfer agent, and national recognized statistical rating organization.

I have been a financial advisor for over 17 year and have had thousands of businesses try to get me to invest my clients money. I have never been tempted because this is selling-away and is a violation that I am very aware of. I have no history of selling away and I have never had any investor lawsuits and do not have any complaints of disgorgment from any investors in 17 years to this day except for the SEC to get their fines monies. I told SEC that I would pay every investor back personally if my friends and family felt there was misrepresentation on my part and the SEC could identify who was making these claims and they said they cannot. I only have complaints from the SEC and not the individual investor whom is the most important person. My family is also an investor with Enviro Board I was also an owner of the company. FINRA and the SEC posted Information on the internet associating me with fraud has created millions of dollars in damages completely destroying my reputation and my ability to find employment and support my family. This is the reality
Google Joshua Mosshart

II. Procedural History and Factual Background

A.t The Commission's Civil Injunctive Actiont

On August 26, 2016, the Commission filed a civil injunctive action against Mosshart, Enviro Board, and two other Enviro Board principals in the U.S. District Court for the Central District of California, charging Mosshart with violations of Section 5 of the Securities Act of 1933 ("Securities Act") and Section 15(a) of the Securities Exchange Act of 1934 ("Exchange Act"). See SECv. Enviro Board Corporation, et al., Case No. 2:16-cv-06427 (C.D.Cal.); Declaration Gary Y. Leung In support of the Division of Enforcements Motion for Summary Disposition ("Leung Decl.") at 3, Ex. 1 (SEC Complaint).

Once Mosshart failed to answer the Commissions's complaint, the clerk entered a default against him on October 7, 2016. Leung Decl. At 4, Ex. 2 (civil injunctive action docket). The Commission's motion and affirmatively moved the district court to default. Id. On May 10, 2017, the district court granted the Commission's default judgment motion, finding that "Mosshart fails to meet his burden to show a meritorious defense" and that Mosshart was culpable for his failure to respond to the Commission's complaint. Id. At 5, Ex. (5/10/17 district court order).

On June 16, Mosshart filed a motion for reconsideration that the district judge denied on August 16. id. 6, 4 (8/16/17) district court order). On August 23, Mosshart filed another motion, styled as one seeking relief under Rule 59(e) and also requested that the district court grant him additional time to secure representation. Id. At 7 Ex. 5 (10/11/17 District Court order). After the SEC moved the monetary remedies against Mosshart on December 19, the district court entered a final judgment against Mosshart on March 22, 2018 permanently enjoining Mosshart from future violations of the federal securities laws,

Ordering ill-gotten gains of \$293,655 together with prejudgment interest, and imposing a civil penalty in the amount of \$293,655. Id at 8-9, EX. 6 (3/22/18 district court order); and EX. 7 (final Judgment).

It is very obvious I didn't realize I had to respond to the original Commission's complaint otherwise why would I of gone through all of the effort to make my case after the fact. Why do I have a history of always communicating with LPL, working with FINRA cooperating with the SEC to this point and then just avoid everything. This is not my personality and I am in way over my head with 50 moving targets and no financial resource. Of course the judge would award the penalties because they were so hung up on me not responding. I couldn't make my case and show any evidence. When I did show the evidence the judge said this evidence is not related to why I didn't answer. Why would you award fines and judgments agains somebody because they were confused about answering a complaint. When I finally realized it was addressed to me and when I responded with evidence the judge said it didn't matter. How can someone tell me I should know the judicial proceeding with no law background and how I felt on the verge of a nervous breakdown. The judge finally awarded the SEC the judgement and penalties because we couldn't get past me not answering the complaint. This has nothing to do with the judge looking at the merit of the evidence and ruling. The judge never considered it.

B. Mosshart's Securities Law Violationst

Enviro Board is a Delaware corporation formed on March 27, 1997, that has been controlled by Camp and Peiffer from it's inception. Id. At 10, Ex. 8 (Camp Inv. Test.) at 96:22-25. Mosshart was hired to raise capital for Enviro Board. Id. At 10-11, Ex. 8 (Camp Inv. Test.) at 110:10-115:24;Ex. (Peiffer Inv. Test.) at 258:1-23. From 2011 to 2014, Enviro Board, Camp and Mosshart offered and sold investments to nearly 40 investors residing in several states. Id. At 11-12, Ex. 9 (Peiffer Inv. Test.) at 553:1-19, 565:9-568:6: Group Ex. 10 (EBC investors lists). The investments took the form of common stock, secured or unsecured bonds, and promissory notes that at times called interest to be paid in the form of Enviro Board stock. Id. In all, Enviro Board raised approximately \$6 million from investors from 2011 to 2014.

I was not hired to raise money, this was not in my employment agreement with Enviro Board, and it was not in my outside approval with LPL. Bill Peiffer and Glenn Camp said "they needed a fall guy". I was hired to do sales and marketing, PR, build the board of directors etc.. As I was promoting the company when people had interest in investment I would refer them to Bill and Glenn Camp.

Yet, Enviro Board's mill technology has never advanced past the photo type stage and no significant progress has been made to commercialize the technology. id. At 13-14, Ex. 11 (Peiffer Depo. TR) at 23:200-33, 33:17-34:15; Ex. 12 (Camp Depo Tr.) at 15:2-24:23

Bill Peiffer and Glenn Camp gave me samples of the Enviro Board, Showed me videos of their mill on the History Channel and received Enviro Board received a \$500k grant from the California Air and Resource Board. Enviro Board had pictures of a model home that they built. I had no reason to believe they couldn't advance the technology and bring the technology to market.

Mosshart referred to Enviro Board at least 18 individuals who purchase \$5 million of the companies securities, beginning in May 2011 Id. 15, Ex. 13 (12/19/16 Fiske Decl.) at 10-12. Mosshart Solicited Enviro Board Investors, provided those investors with Enviro Board materials and/or participated in taking investors orders. Id. Mosshart and Camp engaged in direct solicitation via e-mail, by telephone, and through in-person meeting. See, e.g., id. at 16 Ex. 14 (Declaration of Tina Brodie). Mosshart provided prospective investors with copies of Enviro Board's private placement memorandum, business plan, a subscription agreement, an investor questionnaire, and/or other marketing materials, including brochures, corporate brochures, corporate updates, and Power Point presentations on Enviro Board's business. See, e.g., id at 17, Group EX. 15 (Mosshart investor communications). For his efforts, Mosshart was paid transactions-based compensation in the form of commissions. Id. At 10-11, Ex. 8 (Camp Inv. Test) at 110:10-115:24; Ex. 9 (Peiffer Inv. Test.) at 258:1-23. Enviro Board's securities, however, were not registered with the Commission.

I provided everybody I came in contact with a business plan about Enviro Board it was my responsibility to sell products and promote the companies machines and panel sales. All of the business plans had the PPM attached to it. Anyone that responded to investment interests was referred to Bill Peiffer and Glenn Camp. I did not take orders because I had no access to bank accounts, monies, contracts or negotiated terms or conditions. This was Bill and Glenn Camps' responsibility. How can you possibly take an order if I have no access to accounts. Everybody regardless of what their interest are whether to buy machines, buy panels. Strategic joint ventures, potential investors, media. Everyone was always provided with a complete overview of the company. My job was to build the company and market the products and services. Everyone should have an understanding of the company. The business plan was a PDF and had the PPM and Questionnaire attached whether it went to an investor or not. When somebody requested information from me I would sent them full disclosure. I have e-mail correspondence from Bill Peiffer stating that all securities that Enviro Board was offering were exempt offerings registered with the SEC. I had no reason to believe this was false. I also attended the first meetings with Troy and Gould securities council in Century City and Bill Peiffer and Glenn Camp represented Enviro Board with Troy and Gould were filing the proper registrations. Enviro Board securities council (Troy and Gould) also advised me that arms length referrals as I was transferring out of the securities industry would not be in violation of any securities laws. I was not negotiating any terms of investments, handling any monies or contracts. I spent very little time on referrals and focused mainly on building the company because my role as President.

In addition, during the relevant period, Mosshart was associated with LPL Financial LLC ("LPL"), a registered broker-dealer. Id. At 15 Ex. 13 (Fiske Decl.) at Ex. 4. He was not, however, acting within the scope of his employment at LPL when he participated in the offer and sale of Enviro Board securities. Id. At 18 Ex. 16 (1/7/14 FINRA finding). LPL was unaware of and did not approve of Mosshart's conduct, and was not supervising him for purposes of his sale of Enviro Board's securities. Id. Mosshart consequently engaged in the offer and sale of unregistered securities.

Again the only reason I am in this situation is because I notified LPL of what was happening real time. This is untrue because I had a history of providing written notification to LPL which was approved, I also provided notification of me resigning LPL and my new responsibilities in Enviro Board and they rejected my resignation and help me captive at the broker dealer for months during this review as clients were investing with Enviro Board. The only reason my friends and family and my father invested in Enviro Board is because I told everyone I was leaving the securities industry and when they ask why I told them and they were interested in investing and in supporting the Enviro Board. Everyone was told this was an outside investment. Everyone was told to talk to a tax advisor because the nature of the investment. I was not qualified to advise on tax credit investments and I did not get LPL approval because my LPL OSJ said there was no requirement because of my resignation and I wasn't actively engaged in the solicitations through my transition out of the industry. Glenn Camp said he raise in excess of \$15m dollars in investment capital prior to me joining the company. My job was to build a board of directors, promote sales of the machines and panels etc... I had no reason to believe they were dealing in unregistered securities with such a long history of fund raising and e-mails confirming they were exempt securities.

C. Mosshart's Follow-On Administrative Proceeding

The Division instituted this proceeding with an Order Instituting Proceedings ("OIP") on April 5, 2018, pursuant to Section 15(b) of the Exchange Act and Section 302(f) of the Advisors Act, Mosshart timely answered the OIP on April 25, and

at the April 30 preheating conference, Mosshart acknowledged service of the OIP. On May 7, the Presiding Judge issued an order granting the Division leave to file the instant Rule 250 motion for summary disposition.

III. ARGUMENTS

A.e Summary Disposition Is Warranted Here

The matter is ripe for summary disposition. Rule 250(b) of the Commission's Rules of Practice, 17 C.F.R. 201.250(b), provides that after respondent's answer has been filed and documents have been made available to the respondent for inspection and copying, a party may move for summary disposition of any or all allegations of the OIP. A hearing officer may grant the motion for summary disposition if the "undisputed pleaded facts, declarations, affidavits, documentary evidence of facts officially pursued to Rule 323 show that there is no genuine issue with regard to any material fact and that movant is entitled to summary disposition as a matter of law." SEC Rule of Practice Rule 250 (b), 17 C.F. R. 201.250(b)

None of the evidence I provided in the answer was relevant to the judge. He was not concerned with the fact I had written documentation/proof in the case. He said I needed to convince him and the courts why I didn't answer to begin with. I thought I had to answer the the complaint not to answer to why I didn't answer. Why would I answer to an SEC complaint when a few weeks earlier I met with the SEC in Los Angeles and they said they are investigating the SEC not me. I already consented to giving up my license to FINRA because they told me I would face no fines or penalties. When I asked about the SEC, FINRA represented that the SEC enforces laws around companies and FINRA enforces laws for advisors. In addition Enviro Board represented to pay all of any fines and penalties and pay me my salary because I wasn't responsible for the investments of Enviro Board. I had an employment agreement for salary. Why would any company offer to pay you a salary

Summary disposition is "generally proper in "follow-on" proceeding like this one, where the administrative proceeding is based on a criminal or civil injunction" George Charles Cody Price, Initial Dec. Rea. 1018, 2016 WL 3124675 (June 3, 2016); accord Omar Ali Rizvi, Initial Dec. Rel. No. 479, 2013 WL 64626 (Jan 7, 2013) (the "Commission has repeatedly upheld use of summary disposition in cases where the respondent has been enjoined and the sole determination concerns the appropriate sanction."), notice of finality, 105 S.E.C. Docket 3476, 2005 WL 474236 (Feb 28, 2005) (summary disposition granted and penny stock bar issued based on injunction), notice of finality, 85 S.E.C. Docket 157, 2005 WL 701205 (Mar. 25, 2005); Currency Trading Int'l Inc. Initial Dec. Rel. No. 263, 83 SEC Docket 3008, 2004 WL 2297418 (Oct. 12, 2004)(Same), notice of finality, 84 S.E.C Docket 440, 2004 WL 2624637 (Nov. 18, 2004)

B. Mosshart Should Be Permanently Barred

The sole sanction the Division seeks here- a permanent bar from the securities industry- is well justified. Section 15(b) of the Exchange Act Section 203(f) of the Advisors Act, as amended by Section 15(b) of the Exchange Act and Section 203(f) of the Advisors Act, as amended by Section 925(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Pub. L No. 111-203 925(b) 124 Stat 1376 (2010) {codified at 15 U.S.C. 80b-3(f)} ('Dodd-Frank'), provided that the Commission may bar a person from being associated with a "broker, dealer, investment advisor, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization," if the Commission finds, on the record after notice and opportunity for a hearing, that such a bar "is in the public interest" and that the person is enjoined from certain violations of the federal securities laws, including, for the purposes of this proceeding, violations of the antifraud provisions. See 15 U.S.C. 78o(b); 15 U.S.C. 80b-3(f). Accordingly, to prevail on this proceeding, the Division must establish that: (i) Mosshart has been enjoined from violating the federal securities laws; and (ii) it is in the public interest to impose a bar against him.

1.e Mosshart has been permanently enjoined

The first requirement of this test is easily satisfied. On March 22, 2018, the district court entered an order and final judgment against Mosshart in the case, SEC v. Enviro Board Corporation, et al., permanently enjoining him from violations of section 5 of the Securities Act and Section 15 (a) of the Exchange Act. Mosshart cannot dispute the entry of these injunctions.

Correct, I cannot dispute the fact the judge did not look at any evidence because of my failure to answer because of the misunderstanding on whom the service was addressed to. Again read the prior paragraph "in the Case, SEC v. Enviro Board Corporation" why didn't the service say SEC v. Joshua D. Mosshart on the service it would of been clear for me to respond. When I responded the judge disregarded the evidence for the actual complaint. I also drove down to the court house on the hearing date and nobody showed up. They unilaterally cancel it because my failure to provide reasonable

evidence on why I didn't answer. How can a Judge award an injunction and disregard evidence and make the issue out to be not responding and not address the entire reason we are in this situation to begin with which is to protect the individual investor. My friends and family.

2. An associated bar is in the public interest

Second, permanently barring Mosshart from the securities industry would advance the public interest.

How would this help the public interest when for over 17 years I have been providing educational workshops to educate the public on responsible investment practice. How is this in the public interest when the facts are I have never has selling-away until these accusations. I have never has any investor lawsuits or complaints related to Enviro Board except for Tina Brodie and she filed a lawsuit against me and Enviro Board and dropped all charges against me.

Whether an administrative sanction based upon an injunction is in the public interest turns on the egregiousness of the respondents actions, the isolated or recurrent nature of the infraction, the degree of sciences involved, the sincerity of the respondents' assurances against future violations, recognition of the wrongful conduct, and the likelihood that the respondents occupation will present future opportunities for violations. See *Steadman v. SEC*, 603 F. 2d. 1126, 1140 (5th Cir. 1979) aff'd on other grounds, 450 U.S. 91 (1981); Lonny S. Berth, Initial Dec. Rea. No. 933 at 4, 2016 SEC LEXIS 1222* 10-11 (April 4, 2016) (Steadman) factors used to determine whether a bar is in the public interest, in a case where sanctions were imposed by summary disposition). The Commission also considers the age of the violations and the degree of harm to investors and the marketplace resulting from the violation, and the deterrent effect of the administration sanctions Id. At **4, 11. {N}o one factor is dispositive." Michael C. Pattison, CPA, No. 3-14323, 2012 WL 4320146, at *8 (Comm. OP Sept. 20, 2012); ZPR Investment Management, Inc., No-3-15263, 2015 WL 6575683, at *27 (Comm. Op. Oct. 30, 2015) (inquiry into the public interest is "Flexible"). Here, every one of the considerations articulated is Steadman weighs in favor of a permanent industry bar.

a. Mosshart's actions were egregious

Mosshart's violations were not isolated, they were recurrent. His conduct spanned a multi-year period and impacted the lives of more than a dozen investors. As just one example, a recently-widowed mother of two hired Mosshart to act as her financial advisor. Leung Decl., Ex. 14 (Brodie Decl. At 2-4). She had recieved about \$450,000 in life insurance proceeds upon her husband's death Id.3. Mosshart urged her to invest al \$450,000 in life insurance proceeds in Enviro Board securities, assuring his client that the investments was safe, stable and appropriate for her needs as a recent widow, someone who now needed a fixed income stream to meet her family's financial obligations. Id 3, 15. The client decided to invest \$400,000 in a collaterally-secured bond instrument issued by Enviro Board. Id. She was never told that LPL hadn't given Mosshart permission to market Enviro Board investments to his advisory clients, nor did Mosshart disclose to her the fact that he was being paid a 10% commission on her \$400,000 investment. Id. In time, Enviro Board defaulted on the bond and Mosshart's clients has never recovered all \$400,000 of her investment. Id at 14. That Mosshart's violations of the federal securities laws had a concrete, tangible, and lasting harm on the investing public is not subject to serious dispute.

This is simply not true.

The facts are Tina Brodie filed a lawsuit against Enviro Board and her attorney included me in which I recommend she go to an attorney and file against Enviro Board for damages in the first place. I also filed a lawsuit against Enviro Board for misrepresentation of technology and fund misappropriation spending over one hundred thousand dollars in legal fees. Tina Brodie dropped all charges against me and I have no lawsuits by any investors to date. LPL and I never had custody of her insurance monies and I resigned and sold my book of business before she invested her monies. She directly invested into Enviro Board and I urged her to talk to her CPA and Banked because the bond investment was backed my tax credits and I cannot advise her tax law and investments. I arranged a call with her CPA and Bill Pieffer because he is a tax attorney an I was not qualified to help her and I was focused on building the company. [REDACTED] [REDACTED] I was working with Enviro Board and my father also put all of his life insurance proceeds into Enviro Board. All of my personal friends and family put money into Enviro Board and I was also the third largest shareholder and it was not because I was hired to just raise money. I am a shareholder and my fiends and family and it has been devastating.

Tina Brodie was very aggressive with her spending habits and had a little over \$1.5m (Excluding life insurance monies) when she was originally was referred to me. She was spending close to \$50k per moth on her life style when her [REDACTED] [REDACTED] I did a budget for her and we projected she would run out of monies in less that three years. I worked with her to liquidate all of her high expense assets, houses, cars etc..and got her fixed cost below 15K per month and put all of her

monies in conservative annuities and fixed income investments. She was very aggressive about wanting to take more risk because she didn't want to go back to work. When I notified her and everyone else I was leaving LPL she ask if there was an investment opportunity in Enviro Board so she could earn a higher rate of interest. I told her it was represented to me Enviro Board had secured investment but she would need a tax advisor and other professionals to give her advice because taxes are not my expertise and I resigned from LPL. I was a share holder in Enviro Board, my father was a shareholder and my friends and Family. I litigated to seek justice in the court system for the shareholder and spend all of my [REDACTED] [REDACTED] I feel absolutely horrible that we are all going through this as shareholders. Tina Brodie didn't know about my compensation for my services because we didn't have her Life Insurance monies at LPL. All of my clients get a consolidated monthly statement with fees and commission charges. My employment agreement with Enviro Board was separate from LPL. I resigned and sold my book of business before Tina Brodie got her insurance monies. How is it possible she didn't know it wasn't approved by LPL. Its impossible.. because I told it was. I left LPL and she was pressuring me to help her to get more income because she didn't want to work. I said to her this is Glenn and Bill Peiffer responsibility to educate you and this is why she dropped the lawsuit against me because I encourage her to use her CPA and brother in-law that was a banked outside of LPL to help her. I absolutely sent her educational information and business plans. Everyone should have a clear understanding of the risks. It would be unethical for me not to provide supporting information that was requested from me as the President of a Company. The President role was also a total joke. I had no access to accounts, moneys, contracts, engineering, financial statements and this was requested time and time again. This is what lead to me filing a lawsuit and resigning.

C. Mosshart does not recognize his wrongful conduct

Mosshart will no doubt provide a mea culpa and assurances against violations. But even if the court were to find them sincere, this factor should not outweigh the Commission's concerns that Mosshart will present a threat if he returns to the securities industry.

see in the Matter of Gary Kornman, Exchange Act Rea. No. 59403, 2009 WL 367635, *7 (finding that sincere expressions of remorse and assurances against future violations insufficient to preclude permanent bar given need for high ethical standards in securities industry) Bateman Eichler, Hill Richards, Inc. v. Berner, 472 U.S. 299,315 (1985) ("The primary objective of the federal securities laws {is the} protection of the investing public and the national economy through the promotion of a high standard of business ethics... in every facet of the securities industry.") (quoting SEC v. Capital Gains Research Bureau, Inc. 375 U.S. 180, 186-187 (1963).

Most significantly, Mosshart has exhibited no remorse for his conduct, nor offered any sincere assurances against future violations. In the district court action alone, Mosshart claimed that he "never handled monies of investors" only provided arms-length referrals, did not sell securities," and lied about his failure to answer the SEC's complaint as owning to the fact that he never been in a lawsuit before, Compare SEC v. Enviro Board., et al. Case No. 2:16-cv-06427-R-SS (C.D.Cal.) at DKT No. 27 at 3 with DKT No. 24-1, Ext. 1 at 8 15. Having committed no wrong in his own mind, Mosshart instead complains of "experiencing defamation of character due to SEC and FINRA disclosures" Id. At Dkt.. 27 at 3. These assertions are all inconsistent with the notion that Mosshart has any appreciation of the consequences of his misconduct, or any commitment to not violating the law in the future.

I take full responsibility for relying on others to maintain compliance and ethics in this entire process. I was in lawsuits with Enviro Board, LPL, Tina Brodie, SEC all at the same time. [REDACTED] I have been haunted by my friends and family (Investors) being misrepresented in this entire process. I have been lied to about the status of the securities from Enviro Board, I have been lied to about the SEC investigations into Enviro Board, I was given false information from LPL about getting my additional activities in writing. I never want to be in this industry ever again. It has been a witch hunt because I was a licensed individual. If I was hired to raise funds and lie cheat and steal with my [REDACTED] benefit from her [REDACTED] policies and my closest friends. I have never believed raising money is the answer for any business. Selling products and services that have real value to benefit the community is what matters. I have always maintained the highest ethics and made a commitment to that through my life long education. I made the mistake of trying to go into another career and referring friends and family in the process to provide housing for the less fortunate. I took compensation that wasn't clearly defined, I sent business plans to everyone and it had offerings attached in a PDF, I believed in the company and I made a mistake and I am paying the price.

I am a father married to a [REDACTED] I am a father of [REDACTED], I have been working in non-profits since I was 20 years old. I am not this monster the SEC is making me out to be. I requested the SEC give me a list of investors that have complaints against me so I can personally apologize and work out a payment plan to reimburse them for my misconduct and the SEC said No. I requested the SEC get a letter from my LPL OSJ that I didn't provide full disclosure and the SEC said no. I requested the SEC acknowledge the e-mails sent to me by Bill Peiffer that the securities were ex-

empt under the law and the SEC said NO. I requested to invite all of the investors to the offices in LA to discuss my involvement and the misrepresentations made and The SEC said NO.

d. It is likely that if employed in the industry, Mosshart will have future opportunities for violations.e

The final Steadman factor also supports this Court's imposition of a permanent association bar. "The securities industry presents continual opportunities for dishonest and abuse and depends heavily on the integrity of its participants and on investors confidence" Kornman, 2009 WL 367635*7. "The securities business is a field where opportunities for dishonesty recur constantly" In the Matter of Evelyn Litwork, Advisors Act Release Np. 3838 2011 WL 3345861 *5 (quoting Ahmed Mohamed Solitman, 52 S.E.C. 227, 231 (1995) (Imposing permanent bar based on misdemeanor conviction for submitting false documents to the IRS).

I switched to Enviro Boards CPA and his submitted all of the documents for me and this occurred. Don't you see a pattern that everything associated with this company is the root cause of these issues.

Mosshart is in his forties and remains in the prime of his professional career. Consequently, there is a strong likelihood that any employment by Mosshart in the securities industry will present future opportunities for violations.

I am in the worst situation in my career. Google Joshua Mosshart, I am associated with fraud, SEC violations and the SEC says we aren't perusing me for fraud. I have been trying to [REDACTED] for three years [REDACTED] I am a father and have to set an example with every action I take, All you have in life is integrity and I am not going to jeopardize my children future [REDACTED] I am about providing full due diligence and full transparency not to be confused with mass solicitation.

On balance of the Steadman factors, Mosshart should be permanently barred from the industry. See, e.g., In the Matter of Gregory John Tuthill, Admin. Proc. File No. 3-18421, SEC REL. No. 83090, 2018 WL 1907133 (Apr. 23, 2018) (ordering associational bar against respondent enjoined from violating Section 5 and Section 15(a) registration provisions); In the Matter of Robert L. Baker, et al., Admin. Proc. File No. 3-17716, SEC Rea. No. 10471, 2018 WL 1419478 (Mar. 22, 2018) (same); In the matter of Wilfred R. Blum, et al., Admin Proc. File No. 3-14961, SEC Rea. No. 30269, 2012 WL 5936761 (Nov. 19, 2012)(same).

IV. Conclusion

For all the reasons stated, the Division respectfully requests that its motion for summary disposition be granted, and that Mosshart be permanently barred pursuant to Section 15(b) of the Exchange Act and Section 203(f) of the Advisors Act.

I am deeply upset about the gross misrepresentations of this entire situation. My family and I have always been on the same side as the investors. Enviro Board always said they wanted a fall guy and they got one. I took all of my energy and savings pursuing Enviro Board to hold them accountable. My actions define what I represent as a person. I have a perfect history of working with investors until working with Enviro Board. I am not a person that doesn't lead with integrity and compassion. My reputation has been destroyed with the public misrepresentations disclosure of FINRA and the SEC. I am very upset about the SEC accusing me of things all of the investors don't seem to agree with except Tina Brodie that was a new client that dropped the lawsuit. The discovery and evidence was never presented in my favor because of lack of resource. If I was only paid of transactional fee why did Enviro Board settle to pay me the rest of my salary? If I was responsible for the investment and broke the laws why would Enviro Board settle to pay all my fines and penalties. They could argue this was misconduct on my part and not take on this massive liability. How come I personally never receive a complaint from any investor. The only complaint I have ever received was from the SEC, LPL and FINRA. Where is the individual investor in this equation? I am one of investor advocates this is why, You have my promise when I am well capitalized in the future we will revisit this entire situation with a legal team and a media group to discover the real truth behind these accusations to give you more clarification. You are not a human if you don't feel remorse for your actions and compassion for others. I am put on earth to help the less fortunate and serve with integrity. I was a merchant Marine at an early age, Started non profits and raised huge sums of money for endangered species. Studied every weekend for 10 years to get to the level I was at to deliver the best service possible. My transition was an atomic bomb and I am truly sorry and I will seek justice when I am capitalized.

I'm sorry and take full responsibility of my actions.

I am sorry to my father for disgracing the family name when he taught me from a young age your name and reputation is all you have in life. I'm sorry to my mother for putting all of her life insurance proceeds into Enviro Board when she passed away. I felt in my heart Enviro Board was going to serve the community and the less fortunate in her honor.

I'm sorry to my wife for me betting our entire future on a Enviro Board and making the mistake of committing my heart and soul to a company that was a nightmare. I'm sorry to the shareholders whom were my closest friends and family that believed in me to make Enviro Board a great company that could stand for something great.

I'm sorry to dozens of manufactures representatives I recruited to Enviro Board to sell housing systems and panels that believed in me and the company. I'm sorry to the many community associations that signed letters of endorsement for me to support Enviro Board and our efforts.

I'm sorry to the board of directs all of whom I recruited to help Enviro Board overcome challenges and adversity. Damaging their personal reputations because of their association with Enviro Board.

I'm sorry to the investors for letting all of them down by not getting more involved in advising them on Enviro Board Investments, terms, conditions, handling money, getting compliance approvals and not taking on a role to responsibly help facilitate them in a ethical legal manner.

I'm sorry for building a massive sales pipeline utilizing all of my celebrity friends and the United Nations to help the less fortunate and Enviro Board not having the capability to deliver real solutions. All of these relationships have been lost and I am truly ashamed.

I'm sorry the defamation of character that I created on the internet not allowing me to [REDACTED]

Certificate of Service

I certified that on May 29th, 2018, I caused the foregoing to be served on the following persons by the method of delivery indicated below:

Brent J. Fields, Secretary (by United Parcel Service)
Securities and Exchange Commission
100 F. Street, N.E., Mail Stop 1090
Washington, D.C. 2045

Honorable Brenda P. Murray (by United Parcel Service)
Chief Administrative Law Judge
100F Street N.E. Mail Stop 2557
Washington, D.C. 20549-2557

Division of Enforcement (by United Parcel Service)

Gary Y. Leung
444 S. Flower Street, Suite 900
Los Angeles, Ca 90071



Joshua D. Mosshart