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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11
12 _____ **DIVISION**

13 SECURITIES AND EXCHANGE COMMISSION,
14 Plaintiff,
15 vs.
16 ANDREW L. EVANS,
17 Defendant.

Case No. 15-02551 RS

~~[PROPOSED]~~ FINAL
JUDGMENT AS TO DEFENDANT
ANDREW L. EVANS

1 The Securities and Exchange Commission (“Commission”) having filed a Complaint and
2 Defendant Andrew L. Evans (“Defendant”) having entered a general appearance; consented to the
3 Court’s jurisdiction over Defendant and the subject matter of this action; consented to entry of this
4 Final Judgment as to Defendant Andrew L. Evans (“Final Judgment”) without admitting or denying
5 the allegations of the Complaint (except as to jurisdiction and except as otherwise provided herein in
6 paragraph IV); waived findings of fact and conclusions of law; and waived any right to appeal from
7 this Final Judgment:

8 I.

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently
10 restrained and enjoined from violating Rule 105 of Regulation M of the Securities Exchange Act of
11 1934 (“Exchange Act”) [17 C.F.R. § 242.105] by, in connection with an offering of equity securities
12 for cash pursuant to a registration statement or a notification on Form 1-A [17 C.F.R. § 239.90] or
13 Form 1-E [17 C.F.R. § 239.200] filed under the Securities Act of 1933 (“offered securities”), selling
14 short (as defined in Rule 200(a) of Regulation SHO [17 C.F.R. § 242.200(a)]) the security that is the
15 subject of the offering and purchasing the offered securities from an underwriter or broker or dealer
16 participating in the offering if such short sale was effected during the Rule 105 restricted period, as
17 defined in Rule 105(a) [17 C.F.R. § 242.105(a)], unless an exception under Rule 105(b) or (c) applies
18 [17 C.F.R. § 242.105(b) or (c)].

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal
20 Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive
21 actual notice of this Final Judgment by personal service or otherwise: (a) Defendant’s officers,
22 agents, servants, employees, and attorneys; and (b) other persons in active concert or participation
23 with Defendant or with anyone described in (a).

24 II.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for
26 disgorgement of \$582,175.36, representing profits gained as a result of the conduct alleged in the
27 Complaint, together with prejudgment interest thereon in the amount of \$63,423.54, and a civil
28 penalty in the amount of \$364,388.98 pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C.

1 § 78u(d)(3)]. Defendant shall satisfy this obligation by paying \$1,009,987.88 to the Commission
2 within 14 days after entry of this Final Judgment.

3 Defendant may transmit payment electronically to the Commission, which will provide
4 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a
5 bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>.
6 Defendant may also pay by certified check, bank cashier's check, or United States postal money
7 order payable to the Securities and Exchange Commission, which shall be delivered or mailed to:

8 Enterprise Services Center
9 Accounts Receivable Branch
6500 South MacArthur Boulevard
10 Oklahoma City, OK 73169

11 and shall be accompanied by a letter identifying the case title, civil action number, and name of this
12 Court; Andrew L. Evans as a defendant in this action; and specifying that payment is made pursuant
13 to this Final Judgment.

14 Defendant shall simultaneously transmit photocopies of evidence of payment and case
15 identifying information to the Commission's counsel in this action. By making this payment,
16 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the
17 funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this
18 Final Judgment to the United States Treasury.

19 The Commission may enforce the Court's judgment for disgorgement and prejudgment
20 interest by moving for civil contempt (and/or through other collection procedures authorized by law)
21 at any time after 14 days following entry of this Final Judgment. Defendant shall pay post judgment
22 interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

23 III.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of Andrew
25 L. Evans is incorporated herein with the same force and effect as if fully set forth herein, and that
26 Defendant shall comply with all of the undertakings and agreements set forth therein.
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IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the allegations in the Complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

Dated: 6/10, 2015



UNITED STATES DISTRICT JUDGE