

1 interest thereon in the amount of \$73,841.53. Defendant shall satisfy this obligation by paying
2 \$361,507.53 to the Securities and Exchange Commission within 180 days after entry of this Final
3 Judgment or the termination of any appellate proceedings (if any), whichever is later.

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

10 Enterprise Services Center
11 Accounts Receivable Branch
12 6500 South MacArthur Boulevard
13 Oklahoma City, OK 73169

14 and shall be accompanied by a letter identifying the case title, civil action number, and name of
15 this court; Nilosek as a defendant in this action; and specifying that payment is made pursuant to
16 this Final Judgment.

17 Defendant shall simultaneously transmit photocopies of evidence of payment and case
18 identifying information to the Commission's counsel in this action. By making this payment,
19 defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of
20 the funds shall be returned to defendant.

21 The Commission may enforce the court's judgment for disgorgement and prejudgment
22 interest by using all collection procedures authorized by law, including, but not limited to, moving
23 for civil contempt at any time after 180 days following entry of this Final Judgment or the
24 termination of any appellate proceedings (if any), whichever is later.

25 Defendant shall pay post-judgment interest pursuant to 28 U.S.C. § 1961 on any amounts
26 due after 30 days from the date of entry of this Final Judgment or the termination of any appellate
27 proceedings (if any), whichever is later. The Commission shall hold the funds, together with any
28 interest and income earned thereon (collectively, the "Fund"), pending further order of the court.

1 The Commission may propose a plan to distribute the Fund subject to the court's approval.
2 Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions
3 of Section 308(a) of the Sarbanes-Oxley Act of 2002. The court shall retain jurisdiction over the
4 administration of any distribution of the Fund and the Fund may only be disbursed pursuant to an
5 order of the court.

6 III. FURTHER PROCEEDINGS.

7 This Final Judgment resolves only the claims asserted against defendant in this civil
8 proceeding, and that in any disciplinary proceeding before the Commission based on the entry of
9 the injunction in this action, defendant shall not be permitted to contest the factual allegations of
10 the complaint in this action.

11 IV. COMPLIANCE WITH 17 C.F.R. § 202.5(e).

12 Defendant shall comply with the terms of 17 C.F.R. § 202.5(e), which provides in part that
13 it is the Commission's policy "not to permit a defendant or respondent to consent to a judgment
14 or order that imposes a sanction while denying the allegations in the complaint or order for
15 proceedings," and "a refusal to admit the allegations is equivalent to a denial, unless the defendant
16 or respondent states that he neither admits nor denies the allegations." In particular, defendant:
17 (i) will not take any action or make or permit to be made any public statement denying, directly or
18 indirectly, any allegation in the complaint or creating the impression that the complaint is without
19 factual basis; and (ii) will not make or permit to be made any public statement to the effect that
20 defendant does not admit the allegations of the complaint, or that the Consent contains no
21 admission of the allegations, without also stating that defendant does not deny the allegations.
22 If defendant violates the provisions of § IV., the Commission may petition the court to vacate the
23 Final Judgment and restore this action to its active docket. Nothing in this paragraph affects
24 defendant's: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or
25 other legal proceedings in which the Commission is not a party.

26 V. REIMBURSEMENT.

27 Defendant hereby may not, under the Equal Access to Justice Act, the Small Business
28 Regulatory Enforcement Fairness Act of 1996, or any other provision of law, seek from the United

