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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 SECURITIES AND EXCHANGE
10 COMMISSION

11 Plaintiff,

12 v.

13 ALEXANDER BEVIL, an individual;
14 RICHARD MCCALL BOHNSACK, an
15 individual; DANIEL THOMAS BROYLES, an
16 individual; CHARLES CARY DAVIS, an
17 individual; WILLIAM JAMES ROTH, an
18 individual; GLENN JOSEPH STORY, an
19 individual;

20 Defendants.

Case No.: 2:19-cv-590-RFB-DJA

**[PROPOSED] FINAL JUDGMENT AS TO
DEFENDANT DANIEL THOMAS
BROYLES**

Judge Richard F. Boulware
Magistrate Judge Daniel J. Albrechts

21 This matter comes before the Court on Plaintiff United States Securities and Exchange
22 Commission's ("Commission's") Renewed Motion for Default Judgment against Defendant
23 Daniel Thomas Broyles ("Defendant"). The Court, having considered all the evidence and
24 argument presented with regard to the Motion, Plaintiff's Memorandum of points and authorities
25 in support of the Motion, all other documents filed in support of the Motion, and the record in
26 this action, finds that:

I.

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2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Commission's
3 Renewed Motion for Default Judgment against Defendant Daniel Thomas Broyles is
4 GRANTED.

II.

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6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant is
7 permanently restrained and enjoined from violating, directly or indirectly, Section 15(a)(1) of the
8 Exchange Act [15 U.S.C. § 78o(a)(1)] by making use of the mails or any means or
9 instrumentality of interstate commerce to effect transactions in or induce or attempt to induce the
10 purchase or sale of securities while he, or anyone hired by him to effect transactions in or induce
11 or attempt to induce the purchase or sale of securities, is not registered with the Commission as a
12 broker or dealer or while he, or anyone hired by him to effect transactions in or induce or attempt
13 to induce the purchase or sale of securities, is not associated with an entity registered with the
14 Commission as a broker or dealer.

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

III.

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24 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
25 is permanently restrained and enjoined from violating Section 5 of the Securities Act of 1933
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1 (“Securities Act”) [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable
2 exemption:

3 (a) unless a registration statement is in effect as to a security, making use of any
4 means or instruments of transportation or communication in interstate commerce or of the mails
5 to sell such security through the use or medium of any prospectus or otherwise;

6 (b) unless a registration statement is in effect as to a security, carrying or causing to
7 be carried through the mails or in interstate commerce, by any means or instruments of
8 transportation, any such security for the purpose of sale or for delivery after sale, or;

9 (c) making use of any means or instruments of transportation or communication in
10 interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of
11 any prospectus or otherwise any security, unless a registration statement has been filed with the
12 Commission as to such security, or while the registration statement is the subject of a refusal
13 order or stop order or (prior to the effective date of the registration statement) any public
14 proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].
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17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as provided in
18 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who
19 receive actual notice of this Judgment by personal service or otherwise: (a) Defendant’s officers,
20 agents, servants, employees, and attorneys; and (b) other persons in active concert or
21 participation with Defendant or with anyone described in (a).
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24 **IV.**

25 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
26 is permanently restrained and enjoined from violating Section 17(a)(2) of the Securities Act [15
27 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of
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1 transportation or communication in interstate commerce or by use of the mails, directly or
2 indirectly, to obtain money or property by means of any untrue statement of a material fact or
3 any omission of a material fact necessary in order to make the statements made, in light of the
4 circumstances under which they were made, not misleading.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as provided in
6 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who
7 receive actual notice of this Judgment by personal service or otherwise: (a) Defendant's officers,
8 agents, servants, employees, and attorneys; and (b) other persons in active concert or
9 participation with Defendant or with anyone described in (a).
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11 **V.**

12 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
13 is permanently restrained and enjoined from, directly or indirectly, including, but not limited to,
14 through any entity owned or controlled by Defendant, soliciting any person or entity to purchase
15 or sell any security.
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17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
18 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who
19 receive actual notice of this Judgment by personal service or otherwise: (a) Defendant's officers,
20 agents, servants, employees, and attorneys; and (b) other persons in active concert or
21 participation with Defendant or with anyone described in (a).
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23 **VI.**

24 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
25 is permanently barred from participating in an offering of penny stock, including engaging in
26 activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or
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1 attempting to induce the purchase or sale of any penny stock. A penny stock being any equity
2 security that has a price of less than five dollars, except as provided in Exchange Act Rule 3a51-
3 1 [17 C.F.R. § 240.3a51-1].

4 **VII.**

5 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that

6 (a) Defendant is liable for disgorgement of \$202,831.09, representing net profits
7 gained as a result of the conduct alleged in the Complaint, together with prejudgment interest
8 thereon in the amount of \$54,054.27.

9 (b) Defendant is liable for a civil penalty in the amount of \$202,831.09, representing
10 the gross amount of Defendant's pecuniary gain, pursuant to Section 20(d) of the Securities Act
11 [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)].

12 Defendant shall satisfy these obligations by paying the amount of disgorgement, pre-
13 judgment interest, and civil penalty, totaling \$459,716.45, to the Securities and Exchange
14 Commission within 14 days after entry of this Final Judgment.

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

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25 Enterprise Services Center
26 Accounts Receivable Branch
27 6500 South MacArthur Boulevard
28 Oklahoma City, OK 73169

1 and shall be accompanied by a letter identifying the case title, civil action number, and name of
2 this Court; Daniel Thomas Broyles as a defendant in this action; and specifying that payment is
3 made pursuant to this Final Judgment.

4 Defendant shall simultaneously transmit photocopies of evidence of payment and case
5 identifying information to the Commission's counsel in this action. By making this payment,
6 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part
7 of the funds shall be returned to Defendant.
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9 The Commission shall hold the funds (collectively, the "Fund") until further order of this
10 Court. The SEC may propose a plan to distribute the Fund subject to the Court's approval, and
11 the Court shall retain jurisdiction over the administration of any distribution of the Fund.
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13 The Commission may enforce the Court's judgment for disgorgement and prejudgment interest
14 by using all collection procedures authorized by law, including, but not limited to, moving for
15 civil contempt at any time after 14 days following entry of this Final Judgment.
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17 The Commission may enforce the Court's judgment for penalties by the use of all
18 collection procedures authorized by law, including the Federal Debt Collection Procedures Act,
19 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the violation of any Court orders
20 issued in this action. Defendant shall pay post judgment interest on any amounts due after 14
21 days of the entry of this Final Judgment pursuant to 28 U.S.C. § 1961. The Commission shall
22 hold the funds, together with any interest and income earned thereon (collectively, the "Fund"),
23 pending further order of the Court.
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25 The Commission may propose a plan to distribute the Fund subject to the Court's
26 approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund
27 provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain
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IX.

IT IS HEREBY 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).

X.

IT IS HEREBY 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.

XI.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: September 29, 2022 .



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE