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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 **SECURITIES AND EXCHANGE**  
12 **COMMISSION,**

13 **Plaintiff,**

14 **vs.**

15 **ANTHONY TODD JOHNSON (aka**  
16 **TODD JOHNSON), et al.,**

17 **Defendants.**  
18

Case No. 5:20-cv-01493-MCS(SHKx)

**~~[PROPOSED]~~ FINAL JUDGMENT AS  
TO DEFENDANTS RICHARD  
PORTILLO, RJ HOLDINGS GROUP,  
LLC AND CIS MARKETING, LLC**

19 The Securities and Exchange Commission having filed a Complaint and  
20 Defendants Richard Portillo, RJ Holdings Group, LLC and CIS Marketing, LLC  
21 (collectively, "Defendants") having entered a general appearance; consented to the  
22 Court's jurisdiction over Defendants and the subject matter of this action; consented  
23 to entry of this Judgment without admitting or denying the allegations of the  
24 Complaint (except as to jurisdiction and except as otherwise provided herein in  
25 paragraph VII); waived findings of fact and conclusions of law; and waived any right  
26 to appeal from this Judgment:  
27  
28

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

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

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to obtain money or property by means of any untrue statement of a

1 material fact or any omission of a material fact necessary in order to  
2 make the statements made, in light of the circumstances under which  
3 they were made, not misleading; or

- 4 (c) to engage in any transaction, practice, or course of business which  
5 operates or would operate as a fraud or deceit upon the purchaser.

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

12 III.

13 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
14 Defendants are permanently restrained and enjoined from violating Section 5 of the  
15 Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any  
16 applicable exemption:

- 17 (a) Unless a registration statement is in effect as to a security, making use of  
18 any means or instruments of transportation or communication in  
19 interstate commerce or of the mails to sell such security through the use  
20 or medium of any prospectus or otherwise;
- 21 (b) Unless a registration statement is in effect as to a security, carrying or  
22 causing to be carried through the mails or in interstate commerce, by any  
23 means or instruments of transportation, any such security for the purpose  
24 of sale or for delivery after sale; or
- 25 (c) Making use of any means or instruments of transportation or  
26 communication in interstate commerce or of the mails to offer to sell or  
27 offer to buy through the use or medium of any prospectus or otherwise  
28 any security, unless a registration statement has been filed with the

Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

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

#### IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants Richard Portillo and CIS Marketing, LLC are permanently restrained and enjoined from violating, directly or indirectly, Section 15(a) of the Exchange Act, 15 U.S.C. § 78o(a), which makes it unlawful for any broker or dealer which is either a person other than a natural person or a natural person, to make use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless such broker or dealer is registered in accordance with Section 15(b) of the Exchange Act, 15 U.S.C. § 78o(b)..

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

V.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants Richard Portillo and CIS Marketing, LLC, jointly and severally, shall pay disgorgement of \$269,375, representing net profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$20,888, for a total of \$290,263, which the Court finds is for the benefit of investors. The Court further imposes a civil penalty against Defendant Richard Portillo in the amount of \$192,768 pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendants Richard Portillo and CIS Marketing, LLC shall satisfy these obligations by paying for aforementioned sums to the Securities and Exchange Commission with 30 days after entry of this Final Judgment.

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

Enterprise Services Center

Accounts Receivable Branch

6500 South MacArthur Boulevard

Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Richard Portillo and CIS Marketing, LLC as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendants shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendants relinquish all legal and equitable right, title, and

1 interest in such funds and no part of the funds shall be returned to Defendants.

2       The Commission may enforce the Court’s judgment for disgorgement and  
3 prejudgment interest by using all collection procedures authorized by law, including,  
4 but not limited to, moving for civil contempt at any time after 30 days following entry  
5 of this Final Judgment. The Commission may enforce the Court’s judgment for  
6 penalties by the use of all collection procedures authorized by law, including the  
7 Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for  
8 civil contempt for the violation of any Court orders issued in this action.

9       Defendants shall pay post judgment interest on any amounts due after 30 days  
10 of the entry of this Final Judgment pursuant to 28 U.S.C. § 1961.

11       The Commission shall hold the funds (collectively, the “Fund”) until further  
12 order of this Court. The SEC may propose a plan to distribute the Fund subject to the  
13 Court’s approval, and the Court shall retain jurisdiction over the administration of  
14 any distribution of the Fund.

15       The Commission may propose a plan to distribute the Fund subject to the  
16 Court’s approval. Such a plan may provide that the Fund shall be distributed  
17 pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of  
18 2002. The Court shall retain jurisdiction over the administration of any distribution  
19 of the Fund and the Fund may only be disbursed pursuant to an Order of the Court.

20       Regardless of whether any such Fair Fund distribution is made, amounts  
21 ordered to be paid as civil penalties pursuant to this Judgment shall be treated as  
22 penalties paid to the government for all purposes, including all tax purposes. To  
23 preserve the deterrent effect of the civil penalty, Defendant Richard Portillo shall not,  
24 after offset or reduction of any award of compensatory damages in any Related  
25 Investor Action based on Defendant’s payment of disgorgement in this action, argue  
26 that he is entitled to, nor shall he further benefit by, offset or reduction of such  
27 compensatory damages award by the amount of any part of Defendant’s payment of a  
28 civil penalty in this action (“Penalty Offset”). If the court in any Related Investor

1 Action grants such a Penalty Offset, Defendant Richard Portillo, within 30 days after  
2 entry of a final order granting the Penalty Offset, notify the Commission's counsel in  
3 this action and pay the amount of the Penalty Offset to the United States Treasury or  
4 to a Fair Fund, as the Commission directs. Such a payment shall not be deemed an  
5 additional civil penalty and shall not be deemed to change the amount of the civil  
6 penalty imposed in this Judgment. For purposes of this paragraph, a "Related  
7 Investor Action" means a private damages action brought against Defendant Richard  
8 Portillo by or on behalf of one or more investors based on substantially the same facts  
9 as alleged in the Complaint in this action.

10 VI.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the  
12 Consent is incorporated herein with the same force and effect as if fully set forth  
13 herein, and that Defendants shall comply with all of the undertakings and agreements  
14 set forth therein.

15 VII.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for  
17 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,  
18 11 U.S.C. § 523, the allegations in the complaint are true and admitted by  
19 Defendants, and further, any debt for disgorgement, prejudgment interest, civil  
20 penalty or other amounts due by Defendants under this Judgment or any other  
21 judgment, order, consent order, decree or settlement agreement entered in connection  
22 with this proceeding, is a debt for the violation by Defendants of the federal securities  
23 laws or any regulation or order issued under such laws, as set forth in Section  
24 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

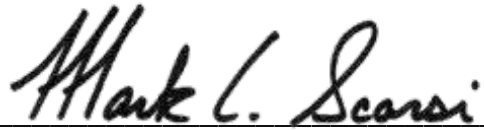
25 VIII.

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

IX.

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: January 14, 2021

A handwritten signature in black ink, reading "Mark C. Scarsi", written over a horizontal line.

MARK C. SCARSI  
UNITED STATES DISTRICT JUDGE