

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

DANIEL B. VAZQUEZ, SR.,
GILBERT FLUETSCH, AND
HOPLON FINANCIAL GROUP,

Defendants.

Case No. 8:18-cv-0047 CJC (KESx)

**FINAL JUDGMENT AS TO
DEFENDANT GILBERT FLUETSCH**

1 (b) other persons in active concert or participation with Defendant or with anyone
2 described in (a).

3 II.

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

9 (a) to employ any device, scheme, or artifice to defraud;

10 (b) to obtain money or property by means of any untrue statement of a
11 material fact or any omission of a material fact necessary in order to make the
12 statements made, in light of the circumstances under which they were made,
13 not misleading; or

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

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

22 III.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
24 is liable for disgorgement of \$54,086.00, representing profits gained as a result of the
25 conduct alleged in the Complaint, together with prejudgment interest thereon in the
26 amount of \$6,562.72, and a civil penalty in the amount of \$54,086.00 pursuant to
27 Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d) and Section 21(d)(3) of the
28 Exchange Act, 15 U.S.C. § 78u(d)(3). Defendant shall satisfy this obligation by

1 paying \$114,734.72 to the Securities and Exchange Commission in accordance with
2 the payment schedule set forth below.

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

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

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

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

22 IV.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
24 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
25 11 U.S.C. § 523, the allegations in the complaint are true and admitted by Defendant,
26 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
27 amounts due by Defendant under this Judgment or any other judgment, order, consent
28 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

1 order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy
2 Code, 11 U.S.C. § 523(a)(19).

3 V.

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

7 VI.

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

11
12 Dated: May 21, 2018



13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT JUDGE