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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

HEMP, INC. a Colorado Corporation;
BRUCE J. PERLOWIN, an individual;
BARRY K. EPLING, an individual; JED
M. PERLOWIN, an individual; FERRIS
HOLDING, INC., a private Nevada
Corporation; HOBBS EQUITIES INC.,
a private Nevada Corporation;
DIVERSIFIED INVESTMENTS LLC, a
private Nevada Limited Liability
Company; and QUANTUM ECONOMIC
PROTOCOLS LLC, a private Nevada
Limited Liability Company.

Defendants.

Case No.: 2:16-cv-01413-JAD-BNW

**FINAL JUDGMENT AS TO
DEFENDANT BARRY K. EPLING**

ECF No. 190

The Securities and Exchange Commission having filed a Complaint and Defendant
BARRY K. EPLING having entered a general appearance; consented to the Court's jurisdiction
over Defendant and the subject matter of this action; consented to entry of this Final Judgment
without admitting or denying the allegations of the Complaint (except as to jurisdiction and

1 except as otherwise provided herein in paragraph VII); waived findings of fact and conclusions
2 of law; and waived any right to appeal from this Final Judgment:

3
4 I.

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

- 11
- 12 (a) to employ any device, scheme, or artifice to defraud;
 - 13 (b) to make any untrue statement of a material fact or to omit to state a material fact
14 necessary in order to make the statements made, in the light of the circumstances
15 under which they were made, not misleading; or
 - 16 (c) to engage in any act, practice, or course of business which operates or would
17 operate as a fraud or deceit upon any person.
- 18

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
20 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who
21 receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant’s
22 officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or
23 participation with Defendant or with anyone described in (a).
24

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26 II.

27 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
28 is permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933

1 (the “Securities Act”) [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any
2 means or instruments of transportation or communication in interstate commerce or by use of the
3 mails, directly or indirectly:
4

- 5 (a) to employ any device, scheme, or artifice to defraud;
- 6 (b) to obtain money or property by means of any untrue statement of a material fact
7 or any omission of a material fact necessary in order to make the statements
8 made, in light of the circumstances under which they were made, not misleading;
9 or
10 (c) to engage in any transaction, practice, or course of business which operates or
11 would operate as a fraud or deceit upon the purchaser.
12

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

19 III.

20 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
21 is permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C.
22 § 77e] by, directly or indirectly, in the absence of any applicable exemption:
23

- 24 (a) Unless a registration statement is in effect as to a security, making use of any
25 means or instruments of transportation or communication in interstate commerce
26 or of the mails to sell such security through the use or medium of any prospectus
27 or otherwise;
28

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

5
6 (c) Making use of any means or instruments of transportation or communication in
7 interstate commerce or of the mails to offer to sell or offer to buy through the use
8 or medium of any prospectus or otherwise any security, unless a registration
9 statement has been filed with the Commission as to such security, or while the
10 registration statement is the subject of a refusal order or stop order or (prior to the
11 effective date of the registration statement) any public proceeding or examination
12 under Section 8 of the Securities Act [15 U.S.C. § 77h].
13

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

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21 IV.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section
23 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)] [and/or Section 20(e) of the Securities Act
24 [15 U.S.C. § 77t(e)]], Defendant is prohibited from acting as an officer or director of any issuer
25 that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C.
26 § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C.
27 § 78o(d)].
28

V.

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

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a civil penalty in the amount of \$8,000,000 to the Securities and Exchange Commission pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant shall make this within 30 days after entry of this Final Judgment.

Defendant 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>. Defendant 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

1 and shall be accompanied by a letter identifying the case title, civil action number, and
2 name of this Court; Barry Epling as a defendant in this action; and specifying that payment is
3 made pursuant to this Final Judgment.
4

5 Defendant shall simultaneously transmit photocopies of evidence of payment and case
6 identifying information to the Commission's counsel in this action. By making this payment,
7 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part
8 of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant
9 to this Final Judgment to the United States Treasury.
10

11 The Commission may enforce the Court's judgment for penalties by the use of all
12 collection procedures authorized by law, including the Federal Debt Collection Procedures Act,
13 28 U.S.C. § 3001 et seq., and moving for civil contempt for the violation of any Court orders
14 issued in this action. Defendant shall pay post-judgment interest on any amounts due after 30
15 days of the entry of this Final Judgment pursuant to 28 USC § 1961.
16

17 VII.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of
19 exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the
20 allegations in the complaint are true and admitted by Defendant, and further, any debt for
21 disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this
22 Final Judgment or any other judgment, order, consent order, decree or settlement agreement
23 entered in connection with this proceeding, is a debt for the violation by Defendant of the federal
24 securities laws or any regulation or order issued under such laws, as set forth in Section
25 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).
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VIII.

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

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4 IX.

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

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10 U.S. District Judge Jennifer A. Dorsey
11 Dated: May 31, 2021
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