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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SOUTHERN DIVISION**

12 **SECURITIES AND EXCHANGE**
13 **COMMISSION,**

14 **Plaintiff,**

15 **vs.**

16 **JUSTIN ROBERT KING; AND**
17 **ELEVATE INVESTMENTS LLC,**

18 **Defendants,**

19 **SHANNON LEIGH KING,**

20 **Relief Defendant.**
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Case No. SACV 20-02398 JVS (DFMx)

**CONSENT OF DEFENDANT JUSTIN
ROBERT KING**

1 Defendant Justin Robert King (“Defendant”) acknowledges having been
2 served with the complaint in this action, having entered a general appearance, and
3 admits the Court’s jurisdiction over Defendant and over the subject matter of this
4 action.

5 Without admitting or denying the allegations of the complaint (except as
6 provided herein in paragraph 11 and except as to personal and subject matter
7 jurisdiction, which Defendant admits), Defendant hereby consents to the entry of the
8 Judgment in the form attached hereto (the “Judgment”) and incorporated by reference
9 herein, which, among other things, permanently restrains and enjoins Defendant from
10 violation of Section 10(b) of the Exchange Act [15 U.S.C. §§ 78j(b)] and Rule 10b-5
11 thereunder [17 C.F.R. § 240.10b-5], Section 17(a) of the Securities Act [15 U.S.C.
12 §77q(a)], and Section 206(4) of the Advisers Act [15 U.S.C. §§ 15 U.S.C. § 80b-6(4)]
13 and Rule 206(4)-8(a) [17 C.F.R. § 275.206(4)-8(a)].

14 Defendant agrees that, upon motion by the Commission, the Court shall
15 determine whether it is appropriate to order disgorgement of ill-gotten gains and/or a
16 civil penalty pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. §
17 78u(d)(3)], Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)], and Section
18 209(e)(1) of the Advisers Act [15 U.S.C. § 80b-9(e)(1)]. The Defendant further
19 understands that if disgorgement is ordered, Defendant shall pay prejudgment
20 interest thereon, calculated from June 1, 2019, based on the rate of interest used by
21 the Internal Revenue Service for the underpayment of federal income tax as set forth
22 in 26 U.S.C. § 6621(a)(2). Defendant further agrees that in connection with the
23 Commission’s motion for disgorgement and/or civil penalties, and at any hearing held
24 on such a motion: (a) Defendant will be precluded from arguing that he did not
25 violate the federal securities laws as alleged in the Complaint; (b) Defendant may not
26 challenge the validity of this Consent or the Judgment; (c) solely for the purposes of
27 such motion, the allegations of the Complaint shall be accepted as and deemed true
28 by the Court; and (d) the Court may determine the issues raised in the motion on the

1 basis of affidavits, declarations, excerpts of sworn deposition or investigative
2 testimony, and documentary evidence, without regard to the standards for summary
3 judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. In
4 connection with the Commission's motion for disgorgement and/or civil penalties,
5 the parties may take discovery, including discovery from appropriate non-parties.

6 Defendant waives the entry of findings of fact and conclusions of law
7 pursuant to Rule 52 of the Federal Rules of Civil Procedure.

8 Defendant waives the right, if any, to a jury trial and to appeal from the
9 entry of the Judgment.

10 Defendant enters into this Consent voluntarily and represents that no
11 threats, offers, promises, or inducements of any kind have been made by the
12 Commission or any member, officer, employee, agent, or representative of the
13 Commission to induce Defendant to enter into this Consent.

14 Defendant agrees that this Consent shall be incorporated into the
15 Judgment with the same force and effect as if fully set forth therein.

16 Defendant will not oppose the enforcement of the Judgment on the
17 ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of
18 Civil Procedure, and hereby waives any objection based thereon.

19 Defendant waives service of the Judgment and agrees that entry of the
20 Judgment by the Court and filing with the Clerk of the Court will constitute notice to
21 Defendant of its terms and conditions. Defendant further agrees to provide counsel
22 for the Commission, within thirty days after the Judgment is filed with the Clerk of
23 the Court, with an affidavit or declaration stating that Defendant has received and
24 read a copy of the Judgment.

25 Consistent with 17 C.F.R. 202.5(f), this Consent resolves only the claims
26 asserted against Defendant in this civil proceeding. Defendant acknowledges that no
27 promise or representation has been made by the Commission or any member, officer,
28 employee, agent, or representative of the Commission with regard to any criminal

1 liability that may have arisen or may arise from the facts underlying this action or
2 immunity from any such criminal liability. Defendant waives any claim of Double
3 Jeopardy based upon the settlement of this proceeding, including the imposition of
4 any remedy or civil penalty herein. Defendant further acknowledges that the Court's
5 entry of a permanent injunction may have collateral consequences under federal or
6 state law and the rules and regulations of self-regulatory organizations, licensing
7 boards, and other regulatory organizations. Such collateral consequences include, but
8 are not limited to, a statutory disqualification with respect to membership or
9 participation in, or association with a member of, a self-regulatory organization. This
10 statutory disqualification has consequences that are separate from any sanction
11 imposed in an administrative proceeding. In addition, in any disciplinary proceeding
12 before the Commission based on the entry of the injunction in this action, Defendant
13 understands that he shall not be permitted to contest the factual allegations of the
14 complaint in this action.

15 Defendant understands and agrees to comply with the terms of 17 C.F.R.
16 § 202.5(e), which provides in part that it is the Commission's policy "not to permit a
17 defendant or respondent to consent to a judgment or order that imposes a sanction
18 while denying the allegations in the complaint or order for proceedings," and "a
19 refusal to admit the allegations is equivalent to a denial, unless the defendant or
20 respondent states that he neither admits nor denies the allegations." As part of
21 Defendant's agreement to comply with the terms of Section 202.5(e), Defendant: (i)
22 will not take any action or make or permit to be made any public statement denying,
23 directly or indirectly, any allegation in the complaint or creating the impression that
24 the complaint is without factual basis; (ii) will not make or permit to be made any
25 public statement to the effect that Defendant does not admit the allegations of the
26 complaint, or that this Consent contains no admission of the allegations, without also
27 stating that Defendant does not deny the allegations; (iii) upon the filing of this
28 Consent, Defendant hereby withdraws any papers filed in this action to the extent that

1 they deny any allegation in the complaint; and (iv) stipulates solely for purposes of
2 exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C.
3 §523, that the allegations in the complaint are true, and further, that any debt for
4 disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant
5 under the Judgment or any other judgment, order, consent order, decree or settlement
6 agreement entered in connection with this proceeding, is a debt for the violation by
7 Defendant of the federal securities laws or any regulation or order issued under such
8 laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C.
9 §523(a)(19). If Defendant breaches this agreement, the Commission may petition the
10 Court to vacate the Judgment and restore this action to its active docket. Nothing in
11 this paragraph affects Defendant's: (i) testimonial obligations; or (ii) right to take
12 legal or factual positions in litigation or other legal proceedings in which the
13 Commission is not a party.

14 Defendant hereby waives any rights under the Equal Access to Justice
15 Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other
16 provision of law to seek from the United States, or any agency, or any official of the
17 United States acting in his or her official capacity, directly or indirectly,
18 reimbursement of attorney's fees or other fees, expenses, or costs expended by
19 Defendant to defend against this action. For these purposes, Defendant agrees that
20 Defendant is not the prevailing party in this action since the parties have reached a
21 good faith settlement.

22 In connection with this action and any related judicial or administrative
23 proceeding or investigation commenced by the Commission or to which the
24 Commission is a party, Defendant (i) agrees to appear and be interviewed by
25 Commission staff at such times and places as the staff requests upon reasonable
26 notice; (ii) will accept service by mail or facsimile transmission of notices or
27 subpoenas issued by the Commission for documents or testimony at depositions,
28 hearings, or trials, or in connection with any related investigation by Commission

1 staff; (iii) appoints Defendant's undersigned attorney as agent to receive service of
2 such notices and subpoenas; (iv) with respect to such notices and subpoenas, waives
3 the territorial limits on service contained in Rule 45 of the Federal Rules of Civil
4 Procedure and any applicable local rules, provided that the party requesting the
5 testimony reimburses Defendant's travel, lodging, and subsistence expenses at the then-
6 prevailing U.S. Government per diem rates; and (v) consents to personal jurisdiction
7 over Defendant in any United States District Court for purposes of enforcing any
8 such subpoena.

9 14. Defendant agrees to waive all objections, including but not limited to,
10 constitutional, timeliness, and procedural objections, to the administrative proceeding
11 that will be instituted when the judgment is entered.

12 15. Defendant agrees that the Commission may present the Judgment to the
13 Court for signature and entry without further notice.

14 16. Defendant agrees that this Court shall retain jurisdiction over this matter
15 for the purpose of enforcing the terms of the Judgment.

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18 Dated: May 14, 2021


Justin Robert King

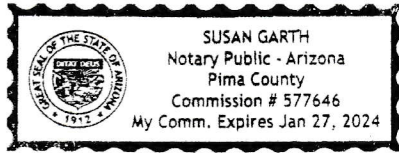
19
20 Approved as to form:

21 *Michael J. Quinn*

22 _____
23 Michael J. Quinn, Esq.
24 Vedder Price LLP
25 1925 Century Park East, Suite 1900
26 Los Angeles, CA 90067

27 Counsel for Justin Robert King
28

1 On May 14, 2021, Justin Robert King, a person known to me, personally
2 appeared before me and acknowledged executing the foregoing Consent.



Susan Garth
Notary Public
Commission expires 01/27/2024

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PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION,
444 S. Flower Street, Suite 900, Los Angeles, California 90071
Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

On May 26, 2021, I caused to be served the documents entitled **CONSENT OF DEFENDANT JUSTIN ROBERT KING** on all the parties to this action addressed as stated on the attached service list:

☐ **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

☐ **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

☐ **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

☐ **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

☐ **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

☐ **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

☒ **E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

☐ **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: May 26, 2021

/s/ Lynn M. Dean

Lynn M. Dean

SEC v. Justin Robert King, et al.
United States District Court—Central District of California
Case No. 8:20-cv-02398-JVS-DFM

SERVICE LIST

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Counsel for Receiver for Defendant Elevate Investments LLC

Michael J. Quinn, Esq. (by ECF)
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mquinn@vedderprice.com
Counsel for Justin King and Shannon King

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

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**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

vs.

**JUSTIN ROBERT KING; AND
ELEVATE INVESTMENTS LLC,**

Defendants,

SHANNON LEIGH KING,

Relief Defendant.

Case No. SACV 20-02398 JVS (DFMx)

**JUDGMENT AS TO DEFENDANT
JUSTIN ROBERT KING**

1 The Securities and Exchange Commission having filed a Complaint and
2 Defendant Justin Robert King (“Defendant”) having entered a general appearance;
3 consented to the Court’s jurisdiction over Defendant and the subject matter of this
4 action; consented to entry of this Judgment without admitting or denying the
5 allegations of the Complaint (except as to jurisdiction and except as otherwise
6 provided herein in paragraph VI); waived findings of fact and conclusions of law; and
7 waived any right to appeal from this Judgment:

8 I.

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
10 permanently restrained and enjoined from violating, directly or indirectly, Section
11 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. §
12 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using
13 any means or instrumentality of interstate commerce, or of the mails, or of any
14 facility of any national securities exchange, in connection with the purchase or sale of
15 any security:

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

17 (b) to make any untrue statement of a material fact or to omit to state
18 a material fact necessary in order to make the statements made, in the light of
19 the circumstances under which they were made, not misleading; or

20 (c) to engage in any act, practice, or course of business which
21 operates or would operate as a fraud or deceit upon any person.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
23 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
24 binds the following who receive actual notice of this Judgment by personal service or
25 otherwise: (a) Defendant’s officers, agents, servants, employees, and attorneys; and
26 (b) other persons in active concert or participation with Defendant or with anyone
27 described in (a).
28

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is 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 material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

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

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) Defendant’s officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 206(4) of the Advisers Act, 15 U.S.C. §§ 80b-6(4), and Rule 206(4)-8, 17 C.F.R. §275.206(4)-8 while acting as an investment adviser to a pooled investment vehicle, directly or indirectly, by use of the mails or means or instrumentalities of interstate commerce:

(a) to make untrue statements of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the

1 circumstances under which there were made, not misleading, to any investor or
2 prospective investor in the pooled investment vehicle; or

3 (b) to engage in acts, practices, or courses of business that were
4 fraudulent, deceptive, or manipulative with respect to any investor or
5 prospective investor in the pooled investment vehicle.

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) Defendant's officers, agents, servants, employees, and attorneys; and
10 (b) other persons in active concert or participation with Defendant or with anyone
11 described in (a).

12 IV.

13 Upon motion of the Commission, the Court shall determine whether it is
14 appropriate to order disgorgement of ill-gotten gains and/or a civil penalty pursuant to
15 Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)], Section 21(d)(3) of the
16 Exchange Act [15 U.S.C. § 78u(d)(3)], and Section 209(e)(1) of the Advisers Act [15
17 U.S.C. § 80b-9(e)(1)] and, if so, the amount(s) of the disgorgement and/or civil
18 penalty. If disgorgement is ordered, Defendant shall pay prejudgment interest
19 calculated from June 1, 2019, based on the rate of interest used by the Internal
20 Revenue Service for the underpayment of federal income tax as set forth in 26 U.S.C.
21 § 6621(a)(2). In connection with the Commission's motion for disgorgement and/or
22 civil penalties, and at any hearing held on such a motion: (a) Defendant will be
23 precluded from arguing that he did not violate the federal securities laws as alleged in
24 the Complaint; (b) Defendant may not challenge the validity of the Consent or this
25 Judgment; (c) solely for the purposes of such motion, the allegations of the Complaint
26 shall be accepted as and deemed true by the Court; and (d) the Court may determine
27 the issues raised in the motion on the basis of affidavits, declarations, excerpts of
28 sworn deposition or investigative testimony, and documentary evidence, without

1 regard to the standards for summary judgment contained in Rule 56(c) of the Federal
2 Rules of Civil Procedure. In connection with the Commission's motion for
3 disgorgement and/or civil penalties, the parties may take discovery, including
4 discovery from appropriate non-parties.

5 V.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
7 Consent is incorporated herein with the same force and effect as if fully set forth
8 herein, and that Defendant shall comply with all of the undertakings and agreements
9 set forth therein.

10 VI.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
12 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
13 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,
14 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
15 amounts due by Defendant under this Judgment or any other judgment, order, consent
16 order, decree or settlement agreement entered in connection with this proceeding, is a
17 debt for the violation by Defendant of the federal securities laws or any regulation or
18 order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy
19 Code, 11 U.S.C. §523(a)(19).

20 VII.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
22 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
23 Judgment.
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VIII.

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 Judgment forthwith and without further notice.

Dated: May __, 2021

UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION,
444 S. Flower Street, Suite 900, Los Angeles, California 90071
Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

On May 26, 2021, I caused to be served the documents entitled **JUDGMENT AS TO DEFENDANT JUSTIN ROBERT KING** on all the parties to this action addressed as stated on the attached service list:

☐ **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

☐ **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

☐ **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

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☐ **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

☒ **E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

☐ **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: May 26, 2021

/s/ Lynn M. Dean

Lynn M. Dean

SEC v. Justin Robert King, et al.
United States District Court—Central District of California
Case No. 8:20-cv-02398-JVS-DFM

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