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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON

10 SECURITIES AND EXCHANGE COMMISSION,
11 Plaintiff,
12 vs.
13 JOSEPH C. LAVIN, and
14 GLOBAL ASSET PARTNERS, LLP,
15 Defendants.

Case No. C 07-1188RSL

CONSENT OF JOSEPH C. LAVIN

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17 1. Defendant Joseph C. Lavin acknowledges service of the complaint by the Securities
18 and Exchange Commission (“Commission”) in this action, enters a general appearance, and admits
19 the Court’s jurisdiction over Defendant Lavin and over the subject matter of this action.

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21 2. Without admitting or denying the allegations of the complaint (except as to personal
22 and subject matter jurisdiction, which Defendant Lavin admits), Defendant Lavin hereby consents to
23 the entry of the Final Judgment in the form attached hereto (the “Final Judgment”) and incorporated
24 by reference herein, which, among other things, permanently restrains and enjoins Defendant Lavin
25 from violation of Sections 5(a), 5(c) and 17(a) of the Securities Act [15 U.S.C. §§ 77e(a), 77e(c) and
26 77q(a)], Section 10(b) of the Exchange Act [15 U.S.C. §§ 78j(b)] and Rule 10b-5 thereunder [17
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1 C.F.R. § 240.10b-5], and Sections 206(1) and 206(2) of the Advisers Act [15 U.S.C. §§ 80b-6(1) and
2 (2)].

3 3. Defendant Lavin agrees that he shall not seek or accept, directly or indirectly,
4 reimbursement or indemnification from any source, including but not limited to payment made
5 pursuant to any insurance policy, with regard to any civil penalty amounts that Defendant Lavin pays
6 pursuant to the Final Judgment, regardless of whether such penalty amounts or any part thereof are
7 added to a distribution fund or otherwise used for the benefit of investors. Defendant Lavin further
8 agrees that he shall not claim, assert, or apply for a tax deduction or tax credit with regard to any
9 federal, state, or local tax for any penalty amounts that Defendant Lavin pays pursuant to the Final
10 Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution
11 fund or otherwise used for the benefit of investors.

12 4. Defendant Lavin waives the entry of findings of fact and conclusions of law pursuant
13 to Rule 52 of the Federal Rules of Civil Procedure.

14 5. Defendant Lavin waives the right, if any, to a jury trial and to appeal from the entry of
15 the Final Judgment.

16 6. Defendant Lavin enters into this Consent voluntarily and represents that no threats,
17 offers, promises, or inducements of any kind have been made by the Commission or any member,
18 officer, employee, agent, or representative of the Commission to induce Defendant Lavin to enter into
19 this Consent.
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21 7. Defendant Lavin agrees that this Consent shall be incorporated into the Final
22 Judgment with the same force and effect as if fully set forth therein.

23 8. Defendant Lavin will not oppose the enforcement of the Final Judgment on the
24 ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure,
25 and hereby waives any objection based thereon.
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1 9. Defendant Lavin waives service of the Final Judgment and agrees that entry of the
2 Final Judgment by the Court and filing with the Clerk of the Court will constitute notice to Defendant
3 Lavin of its terms and conditions. Defendant Lavin further agrees to provide counsel for the
4 Commission, within thirty days after the Final Judgment is filed with the Clerk of the Court, with an
5 affidavit or declaration stating that he has received and read a copy of the Final Judgment.
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7 10. Consistent with 17 C.F.R. 202.5(f), this Consent resolves only the claims asserted
8 against Defendant Lavin in this civil proceeding. Defendant Lavin acknowledges that no promise or
9 representation has been made by the Commission or any member, officer, employee, agent, or
10 representative of the Commission with regard to any criminal liability that may have arisen or may
11 arise from the facts underlying this action or immunity from any such criminal liability. Defendant
12 Lavin waives any claim of Double Jeopardy based upon the settlement of this proceeding, including
13 the imposition of any remedy or civil penalty herein. Defendant Lavin further acknowledges that the
14 Court's entry of a permanent injunction may have collateral consequences under federal or state law
15 and the rules and regulations of self-regulatory organizations, licensing boards, and other regulatory
16 organizations. Such collateral consequences include, but are not limited to, a statutory
17 disqualification with respect to membership or participation in, or association with a member of, a
18 self-regulatory organization. This statutory disqualification has consequences that are separate from
19 any sanction imposed in an administrative proceeding. In addition, in any disciplinary proceeding
20 before the Commission based on the entry of the injunction in this action, Defendant Lavin
21 understands that he shall not be permitted to contest the factual allegations of the complaint in this
22 action.
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25 11. Defendant Lavin understands and agrees to comply with the Commission's policy "not
26 to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while
27 denying the allegation in the complaint or order for proceedings." 17 C.F.R. § 202.5. In compliance
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1 with this policy, Defendant Lavin agrees: (i) not to take any action or to make or permit to be made
2 any public statement denying, directly or indirectly, any allegation in the complaint or creating the
3 impression that the complaint is without factual basis; and (ii) that upon the filing of this Consent,
4 Defendant Lavin hereby withdraws any papers filed in this action to the extent that they deny any
5 allegation in the complaint. If Defendant Lavin breaches this agreement, the Commission may
6 petition the Court to vacate the Final Judgment and restore this action to its active docket. Nothing in
7 this paragraph affects Defendant Lavin's: (i) testimonial obligations; or (ii) right to take legal or
8 factual positions in litigation or other legal proceedings in which the Commission is not a party.

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

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18 13. Defendant Lavin agrees that the Commission may present the Final Judgment to the
19 Court for signature and entry without further notice.

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21 14. Defendant Lavin agrees that this Court shall retain jurisdiction over this matter for the
22 purpose of enforcing the terms of the Final Judgment.

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25 Dated:

Joseph C. Lavin

1 Approved as to form:

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4 _____
David Nold
Nold & Associates

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6 Submitted by:

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9 _____
Kevin M. Gross
Counsel for Plaintiff
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12 (415) 705-2349
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28 Consent of Joseph C. Lavin
SEC v. Lavin, et al.