

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 93980 / January 13, 2022

ADMINISTRATIVE PROCEEDING
File No. 3-16877

In the Matter of

HOWARD RICHARDS,

Respondent.

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**ORDER APPROVING PLAN OF
DISTRIBUTION**

ADMINISTRATIVE PROCEEDING
File No. 3-16878

In the Matter of

JAMES GOODLAND AND SECURUS :
WEALTH MANAGEMENT, LLC, :

Respondents.

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On September 30, 2015, the Commission issued an Order Instituting Administrative and Cease-and-Desist Proceedings, Pursuant to Sections 15(b)2 and 21C of the Securities Exchange Act of 1934, Sections 203(f) and 203(k) of the Investment Advisers Act of 1940, and Section 9(b) of the Investment Company Act of 1940, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (the “Order”)¹ against Howard Richards (“Richards”). In the Order, the Commission found that from January 2010 through July 2013, Richards, an investment advisory representative associated with Securus Wealth Management, LLC (“Securus”), engaged in a manipulative scheme to support the market price of the common stock of Gatekeeper USA, Inc. (“Gatekeeper”) in order to help Gatekeeper to obtain financing. The Commission also found that Richards failed to disclose to his clients his significant conflict of interest arising from his ownership of Gatekeeper shares, in breach of his fiduciary duty as an investment adviser. The Commission ordered Richards to pay a total of \$144,000 in disgorgement, prejudgment interest, and a civil money penalty over the period of one year. The

¹ Exchange Act Rel. No. 76058 (Sept. 30, 2015).

Commission also created a Fair Fund, pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, for the monies received pursuant to the Order.

In a related action, also on September 30, 2015, the Commission issued an Order Instituting Administrative and Cease-and-Desist Proceedings, Pursuant to Sections 203(e), 203(f) and 203(k) of the Investment Advisers Act of 1940, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (the “Company Order”)² against James Goodland (“Goodland”) and Securus. In the Company Order, the Commission found that, from January 2010 through July 2013, Securus, an investment adviser registered with the Commission, and Goodland, its President and Chief Compliance Officer, failed to reasonably supervise Richards. Securus and Goodland also failed to adopt and implement an adequate system of internal controls that would have prevented and detected violations of the Investment Advisers Act of 1940. In the Company Order, the Commission ordered Goodland to pay a \$30,000 civil money penalty. The Commission also created a Fair Fund, pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, so the penalty could be distributed to harmed investors. The Company Order also provided that the funds could be distributed by the Fair Fund established in the Order.

The Fair Fund includes the \$174,000.00 paid by the Respondents.

The assets of the Fair Fund are subject to the continuing jurisdiction and control of the Commission. The Fair Fund has been deposited in an interest-bearing account at the U.S. Department of the Treasury’s Bureau of the Fiscal Service, and any interest accrued will be added to the Fair Fund.

On November 23, 2021, the Division of Enforcement, pursuant to delegated authority, published a Notice of Proposed Plan of Distribution and Opportunity for Comment (“Notice”),³ pursuant to Rule 1103 of the Commission’s Rules on Fair Fund and Disgorgement Plans (“Commission’s Rules”);⁴ and simultaneously posted the Proposed Plan of Distribution (the “Proposed Plan”). The Notice advised interested persons that they could obtain a copy of the Proposed Plan from the Commission’s public website or by submitting a written request to Amy Sumner, United States Securities and Exchange Commission, 1961 Stout Street, Suite 1700, Denver, CO 80294. The Notice also advised that all persons desiring to comment on the Proposed Plan could submit their comments, in writing, within 30 days of the Notice. The Commission received no comments on the Proposed Plan during the comment period.

The Proposed Plan provides for the distribution of the Net Available Fair Fund⁵ to investors who paid management fees on and/or suffered a loss on transactions in eligible securities during the relevant period as calculated by the methodology used in the plan of allocation in the Plan.

² Advisers Act Rel. No. 4213 (Sept. 30, 2015).

³ Exchange Act Rel. No. 93664 (Nov. 23, 2021).

⁴ 17 C.F.R. § 201.1103.

⁵ All capitalized terms used herein but not defined shall have the same meanings ascribed to them in the Proposed Plan.

The Division of Enforcement now requests that the Commission approve the Proposed Plan.

Accordingly, it is hereby ORDERED, pursuant to Rule 1104 of the Commission's Rules,⁶ that the Proposed Plan is approved, and the approved Plan of Distribution shall be posted simultaneously with this order on the Commission's website at www.sec.gov.

For the Commission, by the Division of Enforcement, pursuant to delegated authority.⁷

Vanessa A. Countryman
Secretary

⁶ 17 C.F.R. § 201.1104.

⁷ 17 C.F.R. § 200.30-4(a)(21)(iv).