

1 PRESTON DuFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER (CA BAR NO. 86717)
Deputy Commissioner
3 MICHELLE LIPTON (CA BAR NO. 178078)
Senior Corporations Counsel
4 DEPARTMENT OF CORPORATIONS
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7 Attorneys for Complainant

8 BEFORE THE DEPARTMENT OF CORPORATIONS
9 OF THE STATE OF CALIFORNIA

11	In the Matter of)	CASE NO.: 2010110238
12	THE CALIFORNIA CORPORATIONS)	FILE NO. 923-6045
13	COMMISSIONER,)	STIPULATED SETTLEMENT AGREEMENT
14	Complainant,)	
15	v.)	
16	BRIAN D. GIBBS,)	
17	Respondent.)	
18)	
19)	

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21 IT IS HEREBY STIPULATED BY AND BETWEEN RESPONDENT BRIAN D. GIBBS
22 (“RESPONDENT”), AND PRESTON DuFAUCHARD, THE CALIFORNIA CORPORATIONS
23 COMMISSIONER (COMMISSIONER), AS FOLLOWS:

24 1. On June 7, 2011, the COMMISSIONER issued a First Amended Accusation to bar
25 Brian D. Gibbs (“GIBBS”) under Corporations Code section 25232.1 (“AMENDED
26 ACCUSATION”) following the COMMISSIONER’S filing of the Accusation on September 23,
27 2010. Attached hereto as **Exhibit A** and incorporated by reference is a true and correct copy of the
28 AMENDED ACCUSATION dated June 7, 2011.

1 2. RESPONDENT without admitting or denying the charges alleged in the AMENDED
2 ACCUSATION seeks to resolve the concerns of the COMMISSIONER by stipulating to the
3 issuance of a bar order (“BAR ORDER”). Attached hereto as **Exhibit B** and incorporated by
4 reference is a true and correct copy of the BAR ORDER dated June 13, 2011.

5 3. RESPONDENT hereby acknowledges that the COMMISSIONER is ready, willing
6 and able to grant a hearing in relation to the AMENDED ACCUSATION, which RESPONDENT
7 has a right to. RESPONDENT hereby voluntarily waives his right to a hearing in relation to the
8 AMENDED ACCUSATION and agrees to the following: a) To be barred from any position of
9 employment, management or control of any investment adviser, broker-dealer or commodity adviser
10 for a period of 3 years; b) To not petition the Commissioner for reinstatement or reduction of penalty
11 as provided in and subject to the provisions of Government Code section 11522; and c) To never
12 apply to become registered with the state of California as: 1) an investment adviser, investment
13 adviser representative or associated person of an investment adviser; or 2) a broker-dealer, agent or
14 associated person of a broker-dealer. Nothing herein shall prevent RESPONDENT from applying
15 for registration as an investment adviser, investment adviser representative or associated person of
16 an investment adviser in any other jurisdiction after the expiration of the 3-year bar.

17 4. RESPONDENT acknowledges that pursuant to Corporations Code section 25255,
18 remedies for violations of the California Corporate Securities Law of 1968 (Corporations Code
19 section 25000, et seq.) are not exclusive and may be sought and employed in any combination to
20 enforce that law. Therefore, it is further stipulated that this agreement does not preclude the
21 COMMISSIONER from seeking additional remedies against RESPONDENT for any future
22 violations of the COMMISSIONER’S Desist and Refrain Orders issued against RESPONDENT in
23 2002, this BAR ORDER or any law under the COMMISSIONER’S jurisdiction. These remedies
24 include, but are not limited to, administrative actions, civil injunctive and ancillary relief and making
25 a criminal referral pursuant to California law. Furthermore, the COMMISSIONER may initiate
26 another enforcement action against RESPONDENT for his involvement with Life Partners, Inc.
27 separately from this BAR ORDER.

28 5. RESPONDENT acknowledges that nothing in this Stipulation shall preclude the

1 COMMISSIONER, or his agents or employees, to the extent authorized by law, from assisting or
2 cooperating in any investigation and/or action brought by any other federal, state or county agency.
3 RESPONDENT further agrees that this Stipulation shall not bind or otherwise prevent any other
4 federal, state or county agency from the performance of its duties.

5 6. Each signator hereto covenants that he possesses the necessary capacity and authority
6 to sign and enter into this Agreement.

7 7. RESPONDENT enters into this Stipulation voluntarily and without coercion and
8 acknowledges that no promises, threats or assurances have been made by the COMMISSIONER or
9 any officer, or agent thereof, about this Stipulation.

10 8. RESPONDENT and the COMMISSIONER agree that this Stipulation may
11 be executed in one or more separate counterparts, each of which when so executed, shall be deemed
12 an original. Such counterparts shall together constitute and be one and the same instrument.

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14 Dated: 6/22/11

PRESTON DUFAUCHARD
California Corporations Commissioner

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By _____
ALAN S. WEINGER
Deputy Commissioner

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18 Dated: 6/22/11

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By _____
Brian D. Gibbs, an individual

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22 APPROVED AS TO FORM AND CONTENT:

23 By _____
Carter F. Johnston
24 Attorney for RESPONDENT

25 Dated: 6/22/11

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