## STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT DIVISION OF BANKING AND SECURITIES

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IN THE MATTER OF: Richard Beasley

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**ORDER NO. 19-126-S** 

NOTICE OF FINAL CEASE AND DESIST ORDER ASSESSING CIVIL PENALTY

The Director of the Department of Commerce, Community, and Economic Development, Division of Banking and Securities ("Administrator"), has conducted an investigation into certain activities of Richard Beasley ("Respondent"), and has determined that Respondent violated certain provisions of the Alaska Native Claims Settlement Act Corporations Proxy Solicitation and Stock Act, Alaska Statute (AS) 45.55 *et seq.* ("ANCSA Corporations Proxy Solicitations Act").

Respondent.

## I. BACKGROUND

17 On July 9, 2020, the Administrator mailed a Temporary Cease and Desist Order Effective Immediately, Assessing Civil Penalties, with Notice of Hearing Rights and Notice 18 19 of Final Cease and Desist Order ("Order") to Respondent by certified mail, restricted delivery 20(tracking number 7018 1830 0000 6875 8217). On July 15, 2020, the Administrator received 21 the return receipt for tracking number 7018 1830 0000 6875 8217. On July 16, 2020, the 22 Administrator received a check in the amount of \$1,000.00 from Respondent, constituting 23 payment in full and satisfaction of the civil penalty. To date, Respondent has not requested a 24 hearing.

STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT DIVISION OF BANKING AND SECURITIES 550 WEST SEVENTH AVENUE, SUITE 1850 ANCHORAGE, ALASKA 99501 (907)269-8140

1	II. FINDINGS OF FACT
2	1. Respondent is a director of Goldbelt, Incorporated ("Goldbelt").
3	2. Goldbelt is organized under the Alaska Native Claims Settlement Act
4	("ANCSA"), 43 U.S.C. 1601 et seq.
5	3. Goldbelt has certified to the Administrator that it has more than 500 shareholders
6	and total assets exceeding \$1,000,000.
7	4. M.B. is a Goldbelt shareholder, and L.I. is a Goldbelt director.
8	5. On or about May 23, 2019, Goldbelt distributed its proxy statement (the
9	"Proxy Statement") to shareholders by mail.
10	6. Goldbelt's proxy statement contained a proposed shareholder resolution to
11	establish a settlement trust as well as an offer of \$100.00 to shareholders who submitted valid
12	proxies to Goldbelt's Inspector of Elections by June 28, 2019.
13	7. On or about June 8, 2019, Respondent published a post on Facebook. The
14	Facebook post stated: "[M.B.] voted Yes [sic] on [the proposed settlement trust] and he got
15	his hundred bucks." Respondent's Facebook post also included images of a check from
16	Goldbelt in the amount of one hundred dollars payable to M.B., and a sign that stated:
17	"VOTE [L.I.] FOR THE Goldbelt BOARD OF DIRECTORS [sic]."
18	8. Shareholders were not required to vote in favor of the proposed settlement trust to
19	be eligible to receive \$100.00 from Goldbelt.
20	9. Respondent did not file with the Administrator the required disclosures related to
21	proxy solicitation.
22	III. CONCLUSIONS OF LAW
23	1. Respondent is subject to the filing requirements of AS 45.55.139 because he is a
24	shareholder of Goldbelt and Goldbelt is subject to the filing requirements.
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*Richard Beasley* Final Cease and Desist Order 10

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2. The Facebook post published by Respondent is a "proxy statement" as defined in 1 2 3 AAC 08.365(14) because it is a communication that was made available to shareholders 3 under circumstances reasonably calculated to result in the procurement, withholding, or 4 revocation of a proxy.

5 3. Respondent violated 3 AAC 08.315(a) by materially misrepresenting that 6 shareholders were required to vote in favor of the proposed settlement trust to receive \$100.00 from Goldbelt. 7

8 4. Respondent violated 3 AAC 08.355 by failing to file with the Administrator 9 required disclosures relating to proxy solicitation.

5. Respondent is subject to a civil penalty pursuant to AS 45.55.920(c) because he violated 3 AAC 08.315(a), and 3 AAC 08.355.

## IV. **ORDER and NOTICE**

13 Pursuant to AS 45.55.920, and on the basis of the Findings of Fact and Conclusions of Law, the Administrator ORDERS Respondent to:

1. Pay a civil penalty in the amount one thousand dollars (\$1,000). This amount is immediately due to the Administrator.

17 2. Comply with all provisions of the ANCSA Corporations Proxy Solicitations Act and associated regulations. 18

19 Pursuant to AS 45.55.920(d), Respondent may obtain review of this Final Order in the

20Superior Court by filing a notice of appeal pursuant to the Alaska Rules of Appellate

21 Procedure. Pursuant to Appellate Rule 602(a)(2), the notice of appeal must be filed within 30

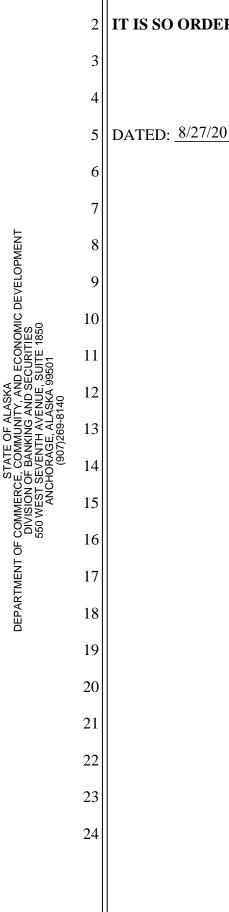
22 days from the date this Final Order is mailed or otherwise distributed to Respondent.

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> Richard Beasley Final Cease and Desist Order

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This Order is a publicly disclosable document.

## IT IS SO ORDERED.

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Julie Anderson, Commissioner Department of Commerce, Community and Economic Development

Patrice Walsh

BY: Patrice Walsh, Director Division of Banking and Securities