

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
3 DIVISION OF BANKING AND SECURITIES

4 IN THE MATTER OF:) **ORDER NO. 19-126-S**
5 Richard Beasley) **TEMPORARY CEASE AND DESIST**
6) **ORDER EFFECTIVE IMMEDIATELY,**
7) **ASSESSING CIVIL PENALTIES, WITH**
8 Respondent.) **NOTICE OF HEARING RIGHTS**
9) **AND**
10) **NOTICE OF FINAL CEASE AND DESIST**
11) **ORDER**

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

18 **I. FINDINGS OF FACT**

- 19 1. Respondent is a director of Goldbelt, Incorporated (“Goldbelt”).
- 20 2. Goldbelt is organized under the Alaska Native Claims Settlement Act
21 (“ANCSA”), 43 U.S.C. 1601 *et seq.*
- 22 3. Goldbelt has certified to the Administrator that it has more than 500 shareholders
23 and total assets exceeding \$1,000,000.
- 24 4. M.B. is a Goldbelt shareholder, and L.I. is a Goldbelt director.
5. On or about May 23, 2019, Goldbelt distributed its proxy statement to
shareholders by mail.

1 6. Goldbelt’s proxy statement contained a proposed shareholder resolution to
2 establish a settlement trust as well as an offer of \$100.00 to shareholders who submitted valid
3 proxies to Goldbelt’s Inspector of Elections by June 28, 2019.

4 7. On or about June 8, 2019, Respondent published a post on Facebook. The
5 Facebook post stated: “[M.B.] voted Yes [*sic*] on [the proposed settlement trust] and he got
6 his hundred bucks.” Respondent’s Facebook post also included images of a check from
7 Goldbelt in the amount of one hundred dollars payable to M.B., and a sign that stated:
8 “VOTE [L.I.] FOR THE Goldbelt BOARD OF DIRECTORS [*sic*].”

9 8. Shareholders were not required to vote in favor of the proposed settlement trust to
10 be eligible to receive \$100.00 from Goldbelt.

11 9. Respondent did not file with the Administrator the required disclosures related to
12 proxy solicitation.

13 II. CONCLUSIONS OF LAW

14 1. Respondent is subject to the filing requirements of AS 45.55.139 because he is a
15 shareholder of Goldbelt and Goldbelt is subject to the filing requirements.

16 2. The Facebook post published by Respondent is a “proxy statement” as defined in
17 3 AAC 08.365(14) because it is a communication that was made available to shareholders
18 under circumstances reasonably calculated to result in the procurement, withholding, or
19 revocation of a proxy.

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

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

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

3 **III. ORDER and NOTICE**

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

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

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

10 Pursuant to AS 45.55.920(d), if Respondent desires a hearing, he must file his request
11 for a hearing within 15 days after receipt of this Order. The request for a hearing must be in
12 writing, must be directed to the Administrator, and must state the grounds for the request to set
13 aside or modify the Order. This Order takes effect immediately, remains in effect until 10 days
14 after the hearing is held, and becomes final if a hearing is not requested within 15 days after the
15 receipt of this notice.

16 This Order is a publicly disclosable document.

17 **IT IS SO ORDERED.**

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

20 DATED: June 30, 2020

/s/ Patrice Walsh
21 BY: Patrice Walsh, Director
22 Division of Banking and Securities
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