

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

FOR THE FIFTH JUDICIAL CIRCUIT

Alan Wilson,

In his official capacity as the Securities

Commissioner for the State of South Carolina,

Plaintiff,

Case No. 2023-CP-40-05309

ORDER

v.

Jessica Lauren Walsh; Apogee & Company,

LLC; and FifthUp, LLC,

Defendants.

THIS MATTER CAME before the Court for a hearing for an Order for default judgment and for injunctive and ancillary relief pursuant to South Carolina Code Ann. § 35-1-603(b) on August 22, 2024, by Plaintiff, Alan Wilson, in his official capacity as the Securities Commissioner for the State of South Carolina, against Defendants, Jessica Lauren Walsh; Apogee & Company, LLC; and FifthUp, LLC. Appearing for the Plaintiff was Assistant Deputy Attorney General Jonathan B. Williams. Defendant Walsh did appear at the hearing and was given an opportunity to explain her position.

The Plaintiff served the Summons and Complaint, together with all other required pleadings, properly upon the Defendants. The Defendants failed to Answer or file any other responsive pleading with the Court or serve on the Plaintiff within the time prescribed by law. Defendant Walsh was granted a 30-day extension by Plaintiff and failed to Answer or file any other responsive pleading with the Court. Defendant Walsh was given an additional extension by the Court and failed to file an Answer by the prescribed date of June 27, 2024.

The Defendants were provided with notice of the Motion for Default and of the hearing.

I find that the Defendants are in default. I further find that based on the arguments presented at the hearing, and the affidavits and exhibits filed with the Court and presented at the hearing, the Plaintiff is therefore entitled to judgment against the Defendants.

IT IS THEREFORE ORDERED:

- A. That Walsh has violated the terms of a Consent Order entered by the Securities Commissioner in the matter of Jessica Walsh; GSE Properties, LLC; and 544 South Joint Venture on April 25, 2022 (Matter No.20191640);
- B. That Walsh is in civil contempt of the Consent Order pursuant to S.C. Code Ann. § 35-1-604(g);
- C. Pursuant to S.C. Code Ann. § 35-1-604(g), this Court may assess a civil contempt penalty of between \$500.00 and \$5,000.00, and based on the facts in this case, the Court assesses a penalty of \$5,000.00;
- D. That Walsh must comply with the terms of the Consent Order;
- E. That the Defendants must cease and desist from violating the South Carolina Uniform Securities Act of 2005, S.C. Code Ann. § 35-1-101, *et seq.*;
- F. That Walsh is enjoined, permanently, from participating in any aspect of the securities industry in or from the State of South Carolina pursuant to the Consent Order;
- G. That the Defendants shall jointly and severally pay \$111,000 in restitution to John Daniel Bundrick;
- H. Pursuant to S.C. Code Ann. § 35-1-603(b)(2)(C), this Court may assess a civil penalty of up to \$10,000.00 per violation of the Uniform Securities Act, and based

on the facts of this case, the Court finds that Defendants committed at least two violations of the Securities Act and assesses a total civil penalty of \$20,000, which Defendants shall be jointly and severally liable.

AND IT IS SO ORDERED

The Honorable Daniel Coble
Fifth Judicial Circuit



Richland Common Pleas

Case Caption: Alan Wilson Securities Commissioner vs Jessica Lauren Walsh ,
defendant, et al
Case Number: 2023CP4005309
Type: Order/Other

So Ordered

s/ Daniel Coble, 2774