

NY-07861-B

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E.D.N.Y

OCT 17 2012 ★

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

LONG ISLAND OFFICE

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

v.

**09-CV-4547 (LDW) (ETB)**

**CHARLES C. SLOWEY, JR; ENDEAVOR  
PARTNERS, LLC; ENDEAVOR CAPITAL  
MANAGEMENT GROUP, LLC; EDWARD D.  
PUTTICK, SR.; ADVANCED PLANNING  
SECURITIES, INC.; GREGORY L. OLDHAM;  
GLENN R. HARRIS; and OLDHAM HARRIS  
INC.,**

**Defendants,**

**ENDEAVOR REAL ESTATE FUND I, LLC and  
ENDEAVOR REAL ESTATE FUND II, LLC.**

**Relief Defendants.**

**FINAL JUDGMENT AS TO DEFENDANT  
ENDEAVOR CAPITAL MANAGEMENT GROUP, LLC**

The Securities and Exchange Commission having filed a Complaint and Defendant Endeavor Capital Management Group, LLC ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;  
or
- (c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable exemption:

- (a) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;
- (b) Unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale; or
- (c) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use

or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant:

(a) jointly and severally with Endeavor Partners, LLC ("Endeavor Partners"), Charles C. Slowey ("Slowey"), and Endeavor Real Estate Fund I, LLC, is liable for disgorgement of \$5,184,685, together with prejudgment interest thereon in the amount of \$2,880,320; (b) jointly and severally with Endeavor Partners, Slowey, and Endeavor Real Estate Fund II, LLC, is liable for disgorgement of \$4,789,721, together with prejudgment interest thereon in the amount of \$2,465,684; and (c) jointly and severally with Endeavor Partners and Slowey, is liable for disgorgement of \$1,754,312, together with prejudgment interest thereon in the amount of \$728,647.

TOTAL  
DISG - 11,728,716.00  
PJI - 6,024,651.00

Payment of disgorgement and prejudgment interest shall be deemed satisfied by Defendant's consent to the constructive trust described in Paragraph V. Defendant relinquishes all legal and equitable right, title, and interest in the properties described in Paragraph V and no part of the properties shall be returned to Defendant.

The Commission may propose a plan to distribute any funds obtained from the sale of the properties described in Paragraph V subject to the Court's approval. The Court shall retain jurisdiction over the administration of any distribution of these funds.

The Commission may enforce the Court's judgment for disgorgement and prejudgment

interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that a constructive trust in favor of investors be and hereby is imposed on all property in which Defendant has a legal or equitable interest, pursuant to Section 21(d)(5) of the Exchange Act [15 U.S.C. 78u(d)(5)] and the general equitable powers of this Court. The Commission shall have the ability to enforce such constructive trust on behalf of investors.

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all persons claiming to have any interest in and to any property in which Defendant has a legal or equitable interest, and all persons seeking to enforce a claim against Defendant by judicial or non-judicial means and their agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are hereby enjoined and restrained from (1) commencing or prosecuting any legal action against Defendant or property in which Defendant has an interest, (2) commencing or prosecuting any judicial or non-judicial foreclosure against property in which Defendant has an interest, or (3)

otherwise obtaining title to or possession of property in which Defendant has an interest. Any person subject to this paragraph may move this Court for an order modifying this injunction.

VIII.

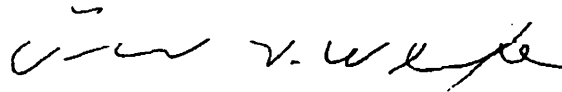
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

IX.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated:

CENTRAL ISLIP, NY  
10/17/12

  
UNITED STATES DISTRICT JUDGE