

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE COMMISSION,)

Plaintiff,)

v.)

NICOLAS MOLINA and JULIA VASQUEZ)

Defendants.)

00-1479
CIV-MOORE

MAGISTRATE JUDGE

FINAL JUDGMENT OF P'SULLIVAN

PERMANENT INJUNCTION
AND OTHER RELIEF AS
TO DEFENDANT NICOLAS
MOLINA

FILED by *MM* D.C.
APR 26 2003
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S. D. OF FLA. MIAMI

Defendant Nicolas Molina ("Molina") by the Consent annexed hereto, without admitting or denying any of the allegations in the Commission's Complaint, except that he is admitting the allegations as to the jurisdiction of this Court over him and over the subject matter of this action, and as to venue, has agreed to the entry of this Final Judgment of Permanent Injunction And Other Relief as to Defendant Nicolas Molina ("Order"). This Court having accepted such Consent and having jurisdiction over Defendant Molina and the subject matter hereof, and the Court being fully advised in the premises:

I.

VIOLATION OF SECTION 17(a) OF THE SECURITIES ACT OF 1933

IT IS HEREBY ORDERED that Defendant Molina, his officers, agents, servants, employees, attorneys in fact, and those persons in active concert or participation with him, and each of them, be and they hereby are, permanently restrained and enjoined from, directly or indirectly, in the offer or sale of any securities by the use of any means

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or instruments of transportation or communication in interstate commerce or by use of the mails:

- (a) employing any device, scheme or artifice to defraud;
- (b) obtaining money or property by means of any untrue statement of material fact or any omission to state 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) engaging in any practice, transaction, or course of business which operates or would operate as a fraud or deceit upon the purchase of such security; in violation of Sections 17(a)(1), 17(a)(2), or 17(a)(3) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. § 77q(a)(1), 77q(a)(2), and 77q(a)(3).

II.

**VIOLATION OF SECTION 10(b) OF
THE SECURITIES EXCHANGE ACT OF 1934 AND RULE 10b-5 THEREUNDER**

IT IS HEREBY ORDERED that Defendant Molina, his officers, agents, servants, employees, attorneys, and all persons in active concert or participation with him, and each of them, be and they hereby are, permanently restrained and enjoined from, directly or indirectly, in connection with the purchase or sale of any security by use of any means or instrumentalities of interstate commerce or of the mails, or by use of any facility of any national securities exchange:

- (a) employing any device, scheme, or artifice to defraud;

- (b) making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statement made, in light of the circumstances under which it was made, not misleading; or
- (c) engaging in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person;

in violation of Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5, thereunder.

III.

PENALTIES

IT IS HEREBY FURTHER ORDERED that Defendant Molina shall immediately pay to the United States Treasury a civil penalty under Section 21A of the Exchange Act [15 U.S.C. 78u-1] in the amount of \$20,781.25.

IV.

PAYMENT INSTRUCTIONS

IT IS HEREBY FURTHER ORDERED that payment of the civil penalty shall be:

(1) made by United States postal money order, certified check, bank cashier's check, or bank money order; (2) made payable to the Securities and Exchange Commission; (3) transmitted to the Comptroller, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549; and (4) submitted under cover letter that specifies the defendant in this proceeding, and the Commission's case number (A-1631), a copy of which cover letter and money order or check shall be sent to Jeffrey Cohen, Securities and Exchange Commission, 1401 Brickell Avenue, Suite 200, Miami, Florida 33131.

V.

INCORPORATION OF CONSENT

IT IS HEREBY FURTHER ORDERED that Defendant Molina shall comply with the provisions of the Consent attached hereto, and that such Consent is incorporated herein by reference as if fully set forth herein.

VI.

RETENTION OF JURISDICTION

IT IS HEREBY FURTHER ORDERED that this Court shall retain jurisdiction over this matter and over Defendant Molina in order to implement and carry out the terms of all Orders and Decrees that may be entered and/or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and will order other relief that this Court deems appropriate under the circumstances.

DONE AND ORDERED at 2:30 o'clock, P. m. this 26th day of April, 2000, at Miami, Florida.


UNITED STATES DISTRICT JUDGE
K. MICHAEL MOORE

copies to:

Mitchell E. Herr
Regional Trial Counsel
SECURITIES AND EXCHANGE
COMMISSION
1401 Brickell Avenue, Suite 200
Miami, Florida 33131

Ralf R. Rodriguez, Esq.
Buchanan Ingersoll, P.C.
Nationsbank Tower Suite 2100
100 S.E. Second Street
Miami, Florida 33131