

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 01-6952-CIV-DIMITROULEAS
Magistrate Judge Johnson

_____)
SECURITIES AND EXCHANGE COMMISSION,)
)
Plaintiff,)
)
v.)
)
WILLIAM J. TISHMAN,)
JEFFREY M. GOLDBERG,)
ROBERT E. DUKE, and)
SAM SARA INVESTMENTS, INC.,)
)
Defendants.)
_____)

FILED by *[Signature]* D.C.
FEB 20 2002
 CLARENCE MADDOX
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**FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF
AS TO DEFENDANTS ROBERT E. DUKE AND SAM SARA INVESTMENTS, INC.**

Plaintiff Securities and Exchange Commission (“SEC” or “Commission”) commenced this action by filing its Complaint against Defendants Robert E. Duke (“Duke”) and Sam Sara Investments, Inc., a Florida corporation (“Sam Sara”) (collectively, “Defendants”). In its Complaint, the Commission sought a final judgment of permanent injunction to enjoin violations by Defendants of Sections 5(a) and 5(c) of the Securities Act of 1933 (“Securities Act”) and Section 15(a) of the Securities Exchange Act of 1934 (“Exchange Act”). The Commission also sought other relief against Defendants in the form of civil penalties.

Defendants, by the Consent annexed hereto, without admitting or denying any of the allegations in the Complaint filed by the Commission, except that they are admitting the allegations as to the jurisdiction of this Court over them and over the subject matter of this

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action, and as to venue, have agreed to the entry of this Final Judgment of Permanent Injunction And Other Relief (“Judgment”). This Court having accepted such Consent and having jurisdiction over Defendants and the subject matter hereof, and the Court being fully advised in the premises:

I.
SALE OF SECURITIES IN VIOLATION OF
SECTIONS 5(a) AND 5(c) OF THE SECURITIES ACT

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Duke and Sam Sara, their officers, agents, servants, employees, representatives, and all persons in active concert or participation with them, and each of them, be and they hereby are, permanently restrained and enjoined from, directly or indirectly, singly or in concert, as aiders and abettors or otherwise, by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails from: (a) making use of the means or instruments of transportation or communication in interstate commerce or of the mails to sell securities, through the use or medium of a prospectus or otherwise; (b) carrying securities or causing such securities to be carried through the mails or in interstate commerce, by any means or instruments of transportation, for the purpose of sale or delivery after sale; and/or (c) making use of the 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 without a registration statement having been filed or being in effect with the Commission as to such securities; in violation of Sections 5(a) and 5(c) of the Securities Act, 15 U.S.C. §§ 77e(a) and 77e(c).

II.
VIOLATION OF
SECTION 15(a) OF THE EXCHANGE ACT

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Duke and Sam Sara, their officers, agents, servants, employees, representatives, and all persons in active concert or participation with them, and each of them, be and they hereby are, permanently restrained and enjoined from, directly or indirectly, singly or in concert, as aiders and abettors or otherwise, by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails: from engaging in the business of effecting transactions in securities, or inducing or attempting to induce the purchase or sale of securities, while not associated with a broker-dealer that was registered with the SEC in accordance with the provisions of Section 15(b) of the Exchange Act; in violation Section 15(a) of the Exchange Act, 15 U.S.C. § 78o(a).

III.
PENALTIES

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that based upon Defendant Duke's sworn representations in his Statement of Financial Condition dated July 20, 2001 and Defendant Sam Sara's sworn representations in its Statement of Financial Condition dated September 13, 2001, and submitted to the Commission, the Court is not ordering Defendant Duke or Defendant Sam Sara to pay a civil penalty pursuant to Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d) and Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3). The determination not to impose a civil penalty is contingent upon the accuracy and completeness

of the Defendant's respective Statements of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Defendants' representations to the Commission concerning their assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to the Defendants, petition this Court for an order requiring the Defendants to pay a civil penalty. In connection with any such petition, the only issue shall be whether the financial information provided by the Defendants was fraudulent, misleading, inaccurate or incomplete in any material respect as of the time such representations were made. In its petition, the Commission may move this Court to consider all available remedies, including, but not limited to, ordering the Defendants to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment, and the Commission may also request additional discovery. Defendants may not, by way of defense to such petition, challenge the validity of his Consent or the Final Judgment, contest the allegations in the Complaint filed by the Commission, contest the amount of civil penalty, or assert that a civil penalty should not be ordered.

IV.
INCORPORATION OF CONSENT

IT IS HEREBY FURTHER ORDERED that Defendants 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.

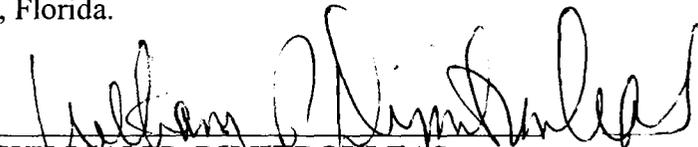
V.
NOTICES

IT IS HEREBY FURTHER ORDERED that, in the event any Defendant is no longer represented by counsel in this action, such Defendant shall provide the Commission, at all times during the pendency of this action, with its current address for purposes of service of filings and other communications. Such notice shall be provided in writing to: Yolanda Gonzalez, Senior Counsel, Securities and Exchange Commission, 1401 Brickell Avenue, Suite 200, Miami, Florida 33131. Should such Defendant fail to provide such notice, service by mail at the Defendant's last known address shall be deemed proper service.

VI.
RETENTION OF JURISDICTION

IT IS HEREBY FURTHER ORDERED that this Court shall retain jurisdiction over this matter and Defendants 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 12:45 o'clock, P m. this 20 day of February 2002, at Atlanta Florida.


WILLIAM P. DIMITROULEAS
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record

SEC Counsel
Robert DeLoop, Esq.
Robert Berens, Esq.
Stephan Davis, Esq.
Kenneth Kiker, Esq.