

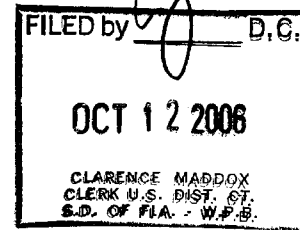
**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 02-80768-CIV-HURLEY/LYNCH**

**UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,  
Plaintiff,**

v.

**RHINO ECOSYSTEMS, INC., CHARLES CINI,  
GORDON NOVAK, MARK WIERTZEMA, and  
MELVIN LEVINE,  
Defendants.**



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**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION &  
SETTING CIVIL MONETARY PENALTY AGAINST  
DEFENDANT MELVIN LEVINE**

**THIS CAUSE** is before the court upon Plaintiff's motion to set a civil monetary penalty against defendant Melvin Levine [DE# 93]. This matter was previously referred to United States Magistrate Judge Frank J. Lynch, Jr., pursuant to 28 U.S.C. §§ 636-39 and Rule 72 of the Federal Rules of Civil Procedure, for a recommended disposition. On August 18, 2006, Magistrate Judge Lynch filed a Report and Recommendation upon the motion, recommending that the motion be granted, in part, with a one-time, comprehensive assessment of a \$55,000.00 penalty . [DE# 111]. Neither party has filed any objection to the Report and Recommendation.

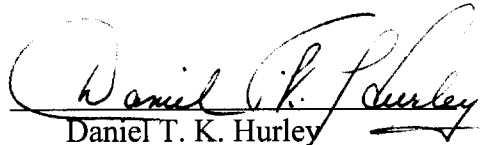
Having carefully reviewed the report, the court finds the resolution of the issues as recommended by Magistrate Judge Lynch to be sound and well-reasoned, and accordingly shall adopt those recommendations here.

Case No.: 02-80768-CIV-HURLEY  
Order Adopting Magistrate's Report and Recommendation

It is therefore **ORDERED** and **ADJUDGED**:

1. Magistrate Judge Lynch's August 18, 2006 Report and Recommendation on the plaintiff's motion to set civil penalty against defendant Melvin Levine [DE # 111] is **ADOPTED** and **INCORPORATED** here in full.
2. Plaintiff's motion to set civil penalty against defendant Levine [DE # 93] is **GRANTED** in part, and the plaintiff Securities & Exchange Commission is awarded a one time, comprehensive civil monetary penalty in the amount of \$55,000.00 against Defendant Melvin Levine.
3. This civil penalty shall be payable by U.S. postal money order, certified check, bank cashier check or bank money order made payable to the Securities and Exchange Commission within **THIRTY (30) DAYS** from the date of this order, and shall be directed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria Virginia 22312, under cover of letter identifying **MELVIN LEVINE** as a defendant in this action, which shall be referenced by full case style and number.
4. The court shall retain jurisdiction for purposes of enforcing this final order imposing civil penalty, as well as all prior orders of permanent injunction, disgorgement and civil penalties entered in this cause.

**DONE** and **SIGNED** in Chambers at West Palm Beach, Florida this 6<sup>th</sup> day of October, 2006.

  
Daniel T. K. Hurley  
United States District Judge

Copies to:  
United States Magistrate Judge Frank J. Lynch, Jr.  
Christopher E. Martin, Esq.  
William D. Matthewman, Esq.