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Securities and Exchange Commission  
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New York, New York 10048  
(212) 748-8045

Counsel for Plaintiff  
Securities and Exchange Commission

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff, : 96-1043-CIV-  
- against - : ORL-19  
  
ATLANTIC CAPITAL CORPORATION, WALL : FINAL CONSENT  
STREET MARKETING, INC., PULLMAN : JUDGMENT OF  
PUBLICATIONS, INC., STEPHEN DECESARE, : PERMANENT  
MARK MISSLER, PATRICK KEPHART, HOWARD : INJUNCTION AND  
JENKINS, SCOTT MIJARES, ROBERT THOMAS : OTHER RELIEF AS  
BEATTY, VINCENT ST. CLAIR BEATTY, : TO ROBERT  
MICHAEL CARDASCIA, DAVID SCOTT ROSSMAN, : THOMAS BEATTY  
ADRIAN WILSON, TIMOTHY B. DALEY and :  
DAVID M. CONNOCHIE, :  
Defendants. :  
:

Plaintiff Securities and Exchange Commission  
("Commission"), having filed an Amended Complaint for  
injunctive and other relief on January 9, 1997 (" Amended  
Complaint") charging, among others, Defendant Robert Thomas  
Beatty ("Beatty") with violations of Section 17(a) of the  
Securities Act of 1933 ("Securities Act"), 15 U.S.C. §  
77q(a), and Section 10(b) of the Securities Exchange Act of  
1934 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5  
thereunder, 17 C.F.R. § 240.10b-5, and Beatty having

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EXHIBIT

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executed the annexed Consent of Defendant Robert Thomas Beatty ("Consent"), having admitted to the jurisdiction of this Court over him and over the subject matter of this action, having waived the filing of an Answer pursuant to Rule 12 of the Federal Rules of Civil Procedure and the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, and, without admitting or denying the allegations contained in the Amended Complaint (except as to jurisdiction, which are admitted), having consented to the entry of this Final Consent Judgment Of Permanent Injunction and Other Relief As To Robert Thomas Beatty ("Final Judgment"), without further notice:

I.

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Beatty be and hereby is permanently enjoined and restrained from, directly or indirectly, in connection with the offer, purchase or sale of any security, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, (1) employing any device, scheme, or artifice to defraud; (2) obtaining money or property by making, or otherwise making, any untrue statement of material fact or omitting 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 (3) engaging in any act, transaction, practice or course of business which would operate as a fraud or deceit upon any person in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a), and Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

II.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Beatty pay disgorgement in the amount of \$34,244, representing his gains from the conduct alleged in the Complaint, plus pre-judgment interest thereon in the amount of \$13,585.47. Based upon Beatty's sworn representations in his Statement of Financial Condition dated November 6, 1996 and as supplemented on May \_\_, 1997 (hereinafter collectively referred to as the "Sworn Statement of Financial Condition"), and submitted to the Commission, payment of the disgorgement and pre-judgment interest is waived, contingent upon the accuracy and completeness of the Statement of Financial Condition.

III.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that based upon Beatty's sworn representations in the Statement of Financial Condition, and submitted to the Commission, the Court is not ordering him to pay a civil penalty pursuant to

Section 20(a) of the Securities Act, 15 U.S.C. §77t(a), and Section 21(d) of the Exchange Act, 15 U.S.C. §78u(d). The determination not to impose a civil penalty and to waive payment of disgorgement and pre-judgment interest thereon is contingent upon the accuracy and completeness of the Statement of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Beatty's representations to the Commission concerning his 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 Beatty, petition this Court for an order requiring Beatty to pay the disgorgement, pre-judgment and post-judgment interest thereon, and a civil penalty. In connection with any such petition, the only issues shall be whether the financial information provided by Beatty was fraudulent, misleading, inaccurate or incomplete in any material respect as of the time such representations were made, and the amount of civil penalty to be imposed. In its petition, the Commission may move this Court to consider all available remedies, including, but not limited to, ordering Beatty 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. Beatty may not, by way of defense to such petition, challenge the validity of this Consent or the Final Judgment, contest the allegations in the Complaint filed by the Commission, the amount of disgorgement and interest, or assert that disgorgement or the payment of a civil penalty should not be ordered.

IV.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the provisions of the annexed Consent be, and the same hereby are, incorporated in this Final Judgment with the same force and effect as if fully set forth herein.

V.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this Final Judgment is binding upon Beatty, his agents, servants, employees, and attorneys, and upon those persons in active concert or participation with Beatty who receive actual notice of this Final Judgment by personal service or otherwise, pursuant to Federal Rule of Civil Procedure 65(d).

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that,  
there being no just reason for delay, the Clerk of the Court  
is hereby directed to enter this Final Judgment pursuant to  
Rule 54(b) of the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: August 10, 1997



PATRICIA C. FAWSETT  
United States District Judge

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DP

CARMEN J. LAWRENCE  
Securities and Exchange Commission  
7 World Trade Center  
New York, New York 10048-1102  
(212) 748-8045

Counsel for Plaintiff  
Securities and Exchange Commission

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

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SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

96-1043-CIV-ORL-19

- against - :

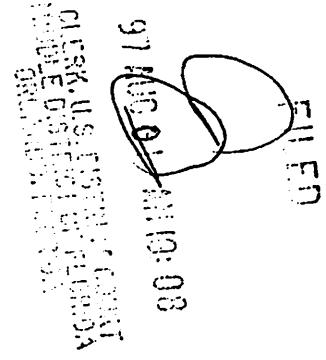
CONSENT OF ROBERT  
THOMAS BEATTY

ATLANTIC CAPITAL CORPORATION, WALL  
STREET MARKETING, INC., PULLMAN  
PUBLICATIONS, INC., STEPHEN DECESARE,  
MARK MISSLER, PATRICK KEPHART, HOWARD  
JENKINS, SCOTT MIJARES, ROBERT THOMAS  
BEATTY, VINCENT ST. CLAIR BEATTY,  
MICHAEL CARDASCIA, DAVID SCOTT ROSSMAN,  
ADRIAN WILSON, TIMOTHY B. DALEY and  
DAVID M. CONNOCHIE,

Defendants. :

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1. Defendant Robert Thomas Beatty ("Beatty"), being  
fully apprised of his rights, having had the full  
opportunity to confer with legal counsel, having read and  
understood the terms of the annexed Final Consent Judgment  
Of Permanent Injunction And Other Relief As To Robert Thomas  
Beatty ("Final Judgment"), appears and admits the  
jurisdiction of this Court over him and over the subject  
matter of this action, waives the entry of findings of fact  
and conclusions of law pursuant to Rule 52 of the Federal



Rules of Civil Procedure, and, without admitting or denying the allegations contained in the Amended Complaint of Plaintiff Securities and Exchange Commission ("Commission"), except as to jurisdiction, which are admitted, hereby consents to the entry, without further notice, of the Final Judgment.

2. Beatty agrees that this Consent of Robert Thomas Beatty ("Consent") shall be incorporated by reference in and made part of the Final Judgment to be presented to the Court for signature, filing, and entry contemporaneously herewith.

3. Beatty waives any right he may have to appeal from the Final Judgment.

4. Beatty acknowledges that any wilful violation of any of the terms of the annexed Final Judgment may place him in contempt of this Court and subject him to civil or criminal penalties.

5. Beatty acknowledges that he enters into this Consent voluntarily and that this Consent and the Final Judgment embody the entire understanding of the parties. Beatty acknowledges and agrees that this proceeding, and his consent to the entry of the Final Judgment, are for the purposes of resolving this civil action only, and that no tender, offer, promise, threat or representation of any kind has been made by plaintiff Commission or any member, officer, attorney, agent, or representative thereof, to

induce him to enter into this Consent.

6. Beatty acknowledges that he has been informed and understands that plaintiff Commission, at its sole and exclusive discretion, may have referred or granted, or may refer or grant, access to this matter, or any information or evidence gathered in connection therewith or derived therefrom, to any person or entity having appropriate administrative, civil, or criminal jurisdiction.

7. Beatty agrees and undertakes to disgorge \$34,244, representing his gains from the conduct alleged in the Complaint, plus pre-judgment interest thereon in the amount of \$13,585.47; provided, however, that such disgorgement and pre-judgment interest are waived based upon Beatty's sworn Statement of Financial Condition dated November 6, 1996, and as supplemented on May \_\_, 1997 (hereinafter collectively referred to as the "Sworn Statement of Financial Condition"), and submitted to the Commission.

8. Beatty acknowledges that the Court is not imposing a civil penalty pursuant to Section 20(a) of the Securities Act, 15 U.S.C. §77t(a), and Section 21(d) of the Exchange Act, 15 U.S.C. §78u(d), or requiring payment of disgorgement and pre-judgment interest thereon based upon the accuracy and completeness of Beatty's sworn representations to the Commission concerning Beatty's assets, income, liabilities, and net worth, as described in the Sworn Statement of

Financial Condition, and submitted to the Commission.

Beatty further consents that if at any time following the entry of the Final Judgment the Commission obtains information indicating that Beatty's representations to the Commission concerning his 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 Beatty, petition the Court for an order requiring Beatty to pay disgorgement of \$34,244, pre-judgment and post-judgment interest thereon, and a civil penalty. In connection with any such petition, the only issues shall be whether the financial information provided by Beatty was fraudulent, misleading, inaccurate or incomplete in any material respect as of the time such representations were made, and the amount of civil penalty to be imposed. In any such petition, the Commission may move the Court to consider all available remedies, including, but not limited to, ordering Beatty to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of the Court's Final Judgment, and the Commission may also request additional discovery. Beatty may not, by way of defense to such petition, challenge the validity of this Consent or the Final Judgment, contest the allegations in the Complaint filed by

the Commission, the amount of disgorgement and interest, or assert that the disgorgement or payment of a civil penalty should not be ordered.

9. Beatty agrees to cooperate fully with the Commission in any and all investigations, actions (including this action) or proceedings brought by or on behalf of the Commission or to which the Commission is a party, concerning or relating to the facts underlying this action. Pursuant to this cooperation agreement, Beatty agrees and undertakes to be interviewed by the staff of the Commission upon reasonable notice at such times and places as the staff may direct, to produce any and all documents in his possession, custody or control required by the staff, to appear and testify at such depositions, hearings or trials as may be requested by the staff, and to answer fully and truthfully all questions asked of him. Beatty acknowledges and agrees that any knowing or willful failure to be accurate and truthful shall be a violation of this Consent and the Final Judgment. Beatty also acknowledges and agrees that in the event that he should violate any of the agreements or undertakings in this Paragraph, the Commission may seek any and all additional relief as may be available to it under the circumstances, including, but not limited to, additional civil penalties. Beatty further undertakes and agrees not to assert his privilege against self-incrimination or any

evidentiary or other privilege, other than the attorney-client privilege, in response to any question posed or document requested in said interviews, depositions or testimony.

10. Beatty acknowledges and agrees that this Consent and the entry of the Final Judgment are for the purposes of resolving this civil action only, in conformity with the provisions of 17 C.F.R. § 202.5(f), and do not resolve, affect or preclude any other proceeding which may be brought against Beatty. Among other things, Beatty waives any right Beatty may have to assert that under the Double Jeopardy Clause of the United States Constitution, the relief consented to in this civil action, including the imposition of any remedy or civil penalty herein, bars any criminal action, or that any criminal action bars the relief consented to in this civil action.

11. Beatty agrees to execute and return promptly acknowledgements of receipt of the Final Judgment once the Final Judgment has been entered by the Court and forwarded to him for this purpose.

12. Beatty agrees that first class mail to Scott G. Chapman, Esq., his counsel, at 7900 Glades Road, Suite 330, Boca Raton, Florida 33434, shall be deemed personal service for all correspondence, service and notices as to any matter related to this Consent and the Final Judgment, unless

Beatty notifies the Commission otherwise by letter addressed to counsel for the Securities and Exchange Commission, Northeast Regional Office, 7 World Trade Center, New York, New York 10048.

13. Beatty acknowledges that he has read, understands, and agrees to comply with the policy of the Commission, set forth in 17 C.F.R. §202.5(e), not to permit a defendant to consent to a final judgment that imposes a sanction while denying any allegation or finding in the final judgment or complaint. Beatty agrees not to take any action or make or cause to be made any public statement denying, directly or indirectly, any allegation or finding in the Amended Complaint. Beatty further agrees not to take any action or make or cause to be made any public statement which creates, or tends to create, the impression that the Amended Complaint is without factual basis. Nothing in this paragraph affects Beatty's testimonial obligations or his right to take legal positions in other non-Commission litigation or proceedings.

14. Beatty consents that this Court shall retain jurisdiction of this action for the purpose of implementing and enforcing the terms and conditions of the annexed Final Judgment and for all other purposes.

15. Beatty hereby consents and agrees that the annexed Final Judgment may be presented by the Commission to the

Court for signature and entry without further notice and delay.

**Dated:** June 17, 1997 , 1997

## ~~ROBERT THOMAS BEATTY~~

STATE OF Florida )  
COUNTY OF Pinellas ) ss.:

On this day of May, 1997, before me personally appeared Robert Thomas Beatty, to me known to be the person who executed the foregoing Consent.

**NOTARY PUBLIC**

Dated: -----, Florida  
-----, 1997

My Commission Expires:

