

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

5:01

_____)	
SECURITIES AND EXCHANGE COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:01-cv-364-Orl-31KRS
)	
EARL A. ABBOTT, RICHARD L. STALVEY,)	
GLENN PERDUE, ROBERT E. GERWIN and)	
KENNETH C. NUNN,)	
)	
Defendants,)	
)	
and)	
)	
THOMAS J. O'KEEFE,)	
)	
Relief Defendant.)	
_____)	

**FINAL JUDGMENT OF
PERMANENT INJUNCTION AND OTHER RELIEF
AS TO DEFENDANT GLENN PERDUE**

Defendant Glenn Perdue ("Perdue") having: (i) executed the Consent to Final Judgment of Permanent Injunction and Other Relief by Defendant Glenn Perdue ("Consent") which is attached hereto and hereby incorporated by reference; (ii) entered a general appearance; (iii) consented to the Court's jurisdiction over himself and over the subject matter of this action; (iv) consented to entry of this Final Judgment of Permanent Injunction and Other Relief as to Defendant Glenn Perdue ("Final Judgment") without admitting or denying the allegations of the Complaint; (v) waived findings of fact and conclusions of law; and (vi) waived any right to

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appeal from this Final Judgment and any basis for objecting to enforcement of the Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Perdue and his agents, servants, employees, attorneys, successors or assigns, and those persons in active concert or participation with him who receive actual notice of this Final Judgment, are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (“Securities Act”) [15 U.S.C. §77q(a)] by, directly or indirectly, 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 the 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 a material fact or any omission 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) engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser of such security.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Perdue and his agents, servants, employees, attorneys, successors or assigns, and those persons in active concert or participation with him who receive actual notice of this Final Judgment, are permanently restrained and enjoined from violating 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] by, directly or indirectly, by the use of 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) 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 statements made, in the light of the circumstances under which they were 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.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Perdue and his agents, servants, employees, attorneys, successors or assigns, and those persons in active concert or participation with them who receive actual notice of this Final Judgment, are permanently restrained and enjoined from violating Sections 5(a) and 5(c) of the Securities Act [15 U.S.C. §§77e(a), (c)] by, directly or indirectly: (a) making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell any security, through the use or medium of any prospectus or otherwise, unless a registration statement is in effect as to such security; (b) carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any security for the purpose of sale or for delivery after sale, unless a registration statement is in effect as to such security; 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 as to such

security, or while the registration statement as to such security 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], provided, however, that the provisions of this paragraph shall not apply to any security or transaction which is exempt from the provisions of Section 5 of the Securities Act [15 U.S.C. §77e].

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Perdue and his agents, servants, employees, attorneys, successors or assigns, and those persons in active concert or participation with them who receive actual notice of this Final Judgment, are permanently restrained and enjoined from violating Section 15(a) of the Exchange Act [15 U.S.C. §78o(a)] by making use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless it is registered as a broker or dealer in accordance with Section 15(b) of the Exchange Act [15 U.S.C. §78o(b)].

V.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that, based Perdue's sworn representations in his Statement of Financial Condition dated June 4, 2001 and other documents submitted to the Commission, the Court is not ordering Perdue to pay a civil monetary 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 decision not to impose a civil penalty

is contingent upon the accuracy and completeness of his Statement of Financial Condition. If at any time following the entry of this Final Judgment, the Commission obtains information indicating that Perdue'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 Perdue, petition the Court for an order requiring him to pay the maximum civil monetary penalty allowable under the law. In connection with any such petition, the only issue shall be whether the financial information provided by Perdue 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 Perdue to pay funds or assets, directing the forfeiture of any assets, or imposing sanctions for contempt of this Final Judgment. The Commission may also request additional discovery. Perdue may not, by way of defense to such petition: (1) challenge the validity of his Consent or the Final Judgment; (2) contest the allegations in the Complaint filed by the Commission; (3) assert that payment of a civil penalty should not be ordered; (4) contest the imposition of the maximum civil penalty allowable under the law; or (5) assert any defense to liability or remedy, including but not limited to any statute of limitations defense.

VI.


IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction over Perdue as a party to this matter for all purposes, including the

implementation and enforcement of this Final Judgment.

VII.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that, the Court finding no just reason for delay, the entry of this Judgment shall constitute a final judgment as to all of the Commission's claims against Perdue in this action, and the Clerk of the Court is directed to enter this Final Judgment forthwith pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

DONE AND ORDERED at Ocala, Florida, this 13 day of December, 2001.



UNITED STATES DISTRICT JUDGE
GREGORY A. PRESNELL
United States District Judge

✓
12-17-01

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

EARL A. ABBOTT, RICHARD L. STALVEY,
GLENN PERDUE, ROBERT E. GERWIN and
KENNETH C. NUNN,

Defendants,

and

THOMAS J. O'KEEFFE,

Relief Defendant.

Case No. 6:01-cv-364-Orl-31KRS

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CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

FILED

**CONSENT TO FINAL JUDGMENT OF
PERMANENT INJUNCTION AND OTHER RELIEF BY
DEFENDANT GLENN PERDUE**

1. Defendant Glenn Perdue ("Perdue"): (i) enters a general appearance; (ii) consents to the Court's jurisdiction over himself and over the subject matter of this action; (iii) consents to entry of the attached Final Judgment of Permanent Injunction and Other Relief as to Defendant Glenn Perdue ("Final Judgment") without admitting or denying the allegations of the Complaint, and agrees that this Consent shall be incorporated by reference in the Final Judgment as if fully set forth therein; (iv) waives findings of fact and conclusions of law; (v) agrees that

Initials: 

the Final Judgment may be presented and entered without further notice; (vi) waives notice of entry and service of the Final Judgment; (vii) waives any right to appeal from the Final Judgment and any basis for objecting to enforcement of the Final Judgment; (viii) acknowledges that this Consent and the Final Judgment embody the entire agreement resolving this action; (ix) acknowledges that this Consent and the Final Judgment do not bind any agency of government other than the Commission; and (x) consistent with 17 C.F.R. §202.5(f), waives any claim of double jeopardy based on settlement of this action. Perdue acknowledges that the Court's entry of a permanent injunction against him may have collateral consequences under federal or state law and the rules and regulations of self-regulatory organizations, licensing boards, and other regulatory organizations. Such collateral consequences include but are not limited to a statutory disqualification with respect to membership or participation in, or association with a member of, a self-regulatory organization. This statutory disqualification has consequences that are separate from any sanction imposed in an administrative proceeding.

2. Perdue acknowledges that the Court is not imposing a civil penalty based upon his sworn representations in his Statement of Financial Condition dated June 4, 2001 and other documents submitted to the Commission. Perdue further consents that if, at any time following the entry of the Final Judgment, the Commission obtains information indicating that his representations to the Commission concerning his assets, income, liabilities or net worth were fraudulent, 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 Perdue, petition the Court for an order requiring him to pay the maximum civil monetary penalty

allowable under the law. In connection with any such petition, the only issue shall be whether the financial information provided by Perdue was fraudulent, misleading, inaccurate or incomplete in any material respect as of the time such representations were made. In any such petition, the Commission may move the Court to consider all available remedies, including but not limited to ordering Perdue to pay funds or assets, directing the forfeiture of any assets, or imposing sanctions for contempt of the Court's Final Judgment. The Commission may also request additional discovery. Perdue may not, by way of defense to such petition: (1) challenge the validity of this Consent or the Final Judgment; (2) contest the allegations in the Complaint filed by the Commission; (3) assert that payment of a civil penalty should not be ordered; (4) contest the imposition of the maximum civil penalty allowable under the law; or (5) assert any defense to liability or remedy, including but not limited to any statute of limitations defense.

3. Perdue understands and agrees to comply with the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings" [17 C.F.R. §202.5(e)]. In compliance with this policy, Perdue agrees: (i) not to take any action or to make or permit to be made any public statement denying, directly or indirectly, any allegation in the Complaint or creating the impression that the Complaint is without factual basis; and (ii) that upon the filing of this Consent, he hereby withdraws any papers filed in this action to the extent that they deny any allegation in the Complaint. If Perdue breaches this agreement, the Commission may petition the Court to vacate the Final Judgment and restore this action to its active docket. Nothing in this provision affects Perdue's: (i) testimonial obligations, or (ii) right to take legal

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positions in litigation in which the Commission is not a party.

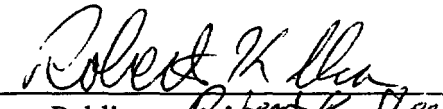
4. Perdue agrees that, upon receipt of a subpoena, he will provide discovery and/or testify at any judicial or administrative proceeding related to the allegations in the Complaint or any continuing litigation or proceedings based thereon.

5. Perdue enters into this Consent voluntarily and of his own accord and represents that no offers, promises, inducements or threats have been made by the Commission, or any member, officer, agent, employee or representative thereof, to induce him to enter into this Consent.



GLENN PERDUE

On this 29th day of November, 2001, Glenn Perdue, being known to me, personally appeared before me and did duly acknowledge to me that he executed the foregoing Consent.



Notary Public Robert K Shea
My Commission expires: June 5, 2008

Initials: 

Date Printed: 12/17/2001

Notice sent to:

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12-17-01