

**FILED**  
TIME: \_\_\_\_\_

SEP 27 2004

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JAMES BONINI, Clerk  
COLUMBUS, OHIO**

**U.S. SECURITIES AND EXCHANGE** :  
**COMMISSION,** :  
***Plaintiff,*** :  
**vs.** :  
 :  
**VON CHRISTOPHER CUMMINGS,** :  
**PARAMOUNT FINANCIAL PARTNERS, L.P.,** :  
**PARAMOUNT CAPITAL** :  
**MANAGEMENT, L.L.C.,** :  
**JOHN A. RYAN,** :  
**KEVIN L. GRANDY,** :  
**JAMES CURTIS CONLEY,** :  
**KEVIN D. HIGHTOWER,** :  
**MICHAEL J. LOUIS,** :  
**JOHN E. HAWLEY, JR.,** :  
**MICHAEL L. VOGT,** :  
**OMAR BENAUDA** :  
***Defendants,*** :  
**GORDON LENDING CORP.,** :  
**GORDON L. YOCOM,** :  
**AND PATRICK SUSEMIHL,** :  
***Relief Defendants.*** :

**No. C2 02 629  
(Graham J., Kemp M.J.)**

**FINAL JUDGMENT AS TO DEFENDANT JAMES CURTIS CONLEY**

The Securities and Exchange Commission having filed a Complaint and Defendant James Curtis Conley ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, or aiding and abetting the violation of, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using 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) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit 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) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, or aiding and abetting the violation of, Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)] 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 use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to obtain money or property by means of any untrue statement of a material fact or any omission of 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) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, or aiding and abetting the violation of, Sections 206(1) and 206(2) of the Investment Advisers Act of 1940 [15 U.S.C. § 80b-6(1), 80b-6(2)], as an investment adviser, by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly:

- (a) employing any device, scheme, or artifice to defraud any client or prospective client, or
- (b) engaging in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client.

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of eighty-five thousand dollars (\$85,000), representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of five thousand one hundred fifty-four dollars and fourteen cents (\$5,154.14), for a total of ninety thousand one hundred fifty-four dollars and fourteen cents (\$90,154.14). Based on Defendant's sworn representations in his Statement of Financial Condition dated March 24, 2004, and other documents and information submitted to the Commission, however, the Court is not ordering Defendant to pay a civil penalty and payment of all but seven thousand five hundred dollars (\$7,500) of the disgorgement and pre-judgment interest thereon is waived. The determination not to impose a civil penalty and to waive payment of all but seven thousand five hundred dollars (\$7,500) of the disgorgement and pre-judgment interest is contingent upon the accuracy and completeness of Defendant's Statement of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Defendant'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 Defendant, petition the Court for an order requiring Defendant to pay the unpaid portion of the disgorgement, pre-judgment and post-judgment interest thereon, and the maximum civil penalty allowable under the law. In connection with any such petition, the only issue shall be whether the financial information provided by Defendant 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 Defendant to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment. The Commission may also request additional discovery. Defendant 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 disgorgement, pre-judgment and post-judgment interest or a civil penalty should not be ordered; (4) contest the amount of disgorgement and pre-judgment and post-judgment interest; (5) contest the imposition of the maximum civil penalty allowable under the law; or (6) 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 the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

Dated: September 27, 2004

s/ James L. Graham  
**JAMES L. GRAHAM**  
UNITED STATES DISTRICT JUDGE

Requested by:

Carl A. Tibbetts

Digitally signed by Carl A. Tibbetts  
DN: cn=Carl A. Tibbetts, o=United States  
Securities and Exchange Commission, ou=The  
United States of America  
Date: 2004.09.27 11:49:22 -0400

Carl A. Tibbetts, Assistant Chief Litigation Counsel  
United States Securities Exchange Commission