

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States Securities and Exchange Commission,	:	
	:	
Plaintiff,	:	CASE NO. 1:03CV1249
	:	Honorable Dan A. Polster
v.	:	
	:	
Gary L. McNaughton, individually and d/b/a The Haven Equity Company, and Andrew K. Lech,	:	
	:	
Defendants.	:	
	:	

**FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF BY
DEFAULT AGAINST ANDREW K. LECH**

This cause coming to be heard on Plaintiff Securities and Exchange Commission’s (“Commission”) motion for a Final Judgment of Permanent Injunction and Other Relief by Default Against Andrew K. Lech (“Lech”) (“Final Judgment”), and the Court having considered the memorandum in support of the motion and all of the evidence and the arguments of the parties; the Court, being fully advised in the premises, finds:

1. That this Court has jurisdiction over the subject matter of this case and all the parties hereto.

2. That Defendant Lech has engaged in transactions, acts, practices and courses of business which constitute violations of the federal securities laws. Specifically, Defendant Lech has engaged in transactions, acts, practices and courses of business which constitute violations of Section 5(a), 5(c), and 17(a)(1), (a)(2) and (a)(3) of the Securities Act of 1933 (“Securities Act”) [15 U.S.C. §§ 77(e)(a), 77(e)(c), and 77q(a)(1), 77q(a)(2) and 77q(a)(3)] and Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. §78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. 240.10b-5].

3. That without an order permanently enjoining Defendant Lech from violating the securities laws set forth herein, there is a substantial likelihood that Defendant Lech will continue to violate the federal securities laws.

4. That it is necessary for Defendant Lech to pay disgorgement, plus prejudgment interest, and civil penalties, in order to make his violations of the federal securities laws unprofitable and to deter future violations.

I.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendant Lech, his agents, servants, employees, attorneys, assigns and persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, are hereby permanently restrained and enjoined from violating Sections 5(a) and 5(c) of the Securities Act of 1933 [15 U.S.C. §§ 77e(a) and (c)] by, directly or indirectly:

- (a) unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus

or otherwise;

- (b) unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale; 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 with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding of examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Lech, his agents, servants, employees, attorneys, assigns and persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, are hereby permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933, [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 FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Lech, his agents, agents, servants, employees, attorneys, assigns and all persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, be and hereby are, permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) 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.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Lech is pay disgorgement of \$2,428,788.57 million, his ill-gotten gains, plus \$362,646.86 in

prejudgment interest.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that civil penalties pursuant to Section 20(d) of the Securities Act and 21(d)(3) of the Exchange Act are appropriate against Defendant Lech and shall be imposed against him in the amount of \$120,000.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Lech pay the disgorgement, prejudgment interest and civil penalties ordered herein within thirty (30) days of the entry of this Order. Payment of the disgorgement and prejudgment interest shall be made to the Clerk, U.S. District Court, Northern District of Ohio, 801 West Superior Avenue, Cleveland, Ohio 44113. The Clerk shall deposit this payment or payments into an interest-bearing account and shall deduct from the account any fee authorized by the Judicial Conference of the United States. Payment of the civil penalty shall be: (1) made by cashier's check, certified check, or U.S. postal money order; (2) made payable to United States Treasury; (3) delivered or mailed to the Comptroller, United States Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312; and (4) submitted under a cover letter that identifies Defendant Lech as a defendant in this matter and the case number of this matter, a copy of which cover letter and money order or check shall be sent to Allison M. Sawyer, U.S. Securities and Exchange Commission, 175 West Jackson Boulevard, Suite 900, Chicago, Illinois 60604.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction of this matter for all purposes, including, but not limited to, entertaining any applications for additional relief, and implementing and enforcing this Final Judgment.

IT IS SO ORDERED.

DATED: August 23, 2005.

/s/Dan Aaron Polster
Honorable Dan A. Polster
United States District Court Judge