

U. S. SECURITIES AND EXCHANGE)	Case No. 04 CV 2002 (JAH) (RBB)
COMMISSION,)	
)	
Plaintiff,)	FINAL JUDGMENT AS TO
)	DANIEL F. STULAC
v.)	
)	
STEPHEN P. GARDNER,)	
DOUGLAS S. POWANDA,)	
GARY L. LENZ,)	
BERDJ J. RASSAM,)	
JOSEPH G. REICHNER,)	
PETER J. O'BRIEN,)	
DANIEL F. STULAC,)	
LARRY A. RODDA, and)	
MICHAEL D. WHITT,)	
)	
Defendants.)	

The Securities and Exchange Commission having filed a Complaint and Defendant Daniel F. Stulac (“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 As To Daniel F. Stulac (“Final Judgment”) without admitting or denying the allegations of the

1 Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived
2 any right to appeal from this Final Judgment:

3 I.

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and
5 Defendant's agents, servants, employees, attorneys, and all persons in active concert or
6 participation with them who receive actual notice of this Final Judgment by personal service or
7 otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section
8 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and
9 Exchange Act Rule 10b-5 [17 C.F.R. § 240.10b-5], by using any means or instrumentality of
10 interstate commerce, or of the mails, or of any facility of any national securities exchange, in
11 connection with the purchase or sale of any security:
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- 13 (a) to employ any device, scheme, or artifice to defraud;
14 (b) to make any untrue statement of a material fact or to omit to state a material fact
15 necessary in order to make the statements made, in the light of the circumstances
16 under which they were made, not misleading; or
17 (c) to engage in any act, practice, or course of business which operates or would
18 operate as a fraud or deceit upon any person.
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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 him who receive actual notice of this Final Judgment by personal service or otherwise, are permanently enjoined from aiding and abetting any violation of Section 13(a) of the Exchange Act [15 U.S.C. §§ 78m(a)], and Exchange Act Rules 13a-1 and 13a-13 [17 C.F.R. §§240.13a-1, and 240.13a-13], by knowingly providing substantial assistance to an issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or any issuer which is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)], and that files or causes to be filed with the Commission any report required to be filed with the Commission pursuant to Section 13(a) of the Exchange Act [15 U.S.C. § 78m(a)] and the Exchange Act's rules and regulations that includes financial statements that are not presented in conformity with GAAP, or are otherwise materially inaccurate.

III.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that based on Defendant's sworn representations in his Statement of Financial Condition dated April 29, 2009, and other documents and information submitted to the Commission, the Court is not ordering Defendant to pay a civil money penalty. The determination not to impose a civil money penalty 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 maximum civil money 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,

1 inaccurate, or incomplete in any material respect as of the time such representations were made.
2 In its petition, the Commission may move this Court to consider all available remedies, including,
3 but not limited to, ordering Defendant to pay funds or assets, directing the forfeiture of any assets,
4 or sanctions for contempt of this Final Judgment. The Commission may also request additional
5 discovery. Defendant may not, by way of defense to such petition: (1) challenge the validity of
6 the Consent or this Final Judgment; (2) contest the allegations in the Complaint filed by the
7 Commission; (3) assert that payment of a civil money penalty should not be ordered; (4) contest
8 the imposition of the maximum civil money penalty allowable under the law; or (5) assert any
9 defense to liability or remedy, including, but not limited to, any statute of limitations defense.

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11 IV.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is
13 incorporated herein with the same force and effect as if fully set forth herein, and that Defendant
14 shall comply with all of the undertakings and agreements set forth therein.

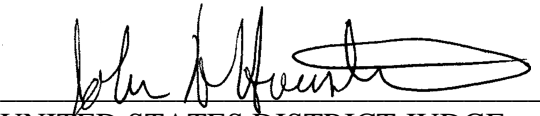
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16 V.

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

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: September 14, 2009


UNITED STATES DISTRICT JUDGE