

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 05-80128-CIV-ZLOCH

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

**FINAL JUDGMENT AND
PERMANENT INJUNCTION AS TO
DEFENDANT THOMAS HEYSEK**

CONCORDE AMERICA, INC.,
ABSOLUTE HEALTH AND FITNESS,
INC., HARTLEY LORD, DONALD E.
OEHMKE, BRYAN KOS, THOMAS M.
HEYSEK, ANDREW M. KLINE, AND
PAUL A. SPREADBURY,

Defendants,

and

DASILVA, SA, VANDERLIP HOLDINGS,
NV, CHIANG ZE CAPITAL, AVV,
RYZCEK INVESTMENTS, GMBH,
BARRANQUILLA HOLDINGS, SA,

Relief Defendants.

THIS MATTER is before the Court upon Plaintiff Securities And Exchange Commission's Motion For Summary Judgment Against Thomas Heysek (DE 176). By separate Order the Court granted Plaintiff's Motion For Summary Judgment and held that Plaintiff was entitled to a permanent injunction against Defendant Thomas Heysek and disgorgement of the monies he received for his involvement in a scheme to defraud investors through baseless projections of Concorde America, Inc.'s revenue, profits, and projected share price.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED that pursuant to Federal Rules of Civil Procedure 56 and 58 Final Judgment And Permanent Injunction be and the same is hereby **ENTERED** for Plaintiff Securities And Exchange Commission and against Defendant Thomas Heysek as follows:

I. Violation Of Section 10(b) of the Exchange Act
And Rule 10b-5 Thereunder

Defendant Thomas Heysek, his agents, officers, servants, employees, attorneys, representatives, and all persons in active concert or participation with him, and each said person, directly or indirectly, who receives actual notice of this Final Judgment And Permanent Injunction, by personal service or otherwise, be and hereby are, permanently **ENJOINED** from knowingly, willfully, or recklessly, directly or indirectly, singly or in concert, in connection with the 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) making any untrue statements 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, practice or course of business which operates or would operate as fraud or deceit upon any person in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5, thereunder.

II. Penny Stock Bar

IT IS FURTHER ORDERED AND ADJUDGED that Defendant Thomas Heysek be and the same is hereby permanently ENJOINED from participating in an offering of penny stocks, including engaging in activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or attempting to induce the purchase or sale of any penny stock. For the purposes of this Order, a penny stock is defined as any equity security that has a price less than five dollars (\$5.00) except as provided in Rule 3A51-1 under the Exchange Act, 17 C.F.R. § 240.3A51-1.

III. Disgorgement And Civil Penalty

IT IS FURTHER ORDERED AND ADJUDGED that pursuant to Federal Rule of Civil Procedure 58, Plaintiff Securities And Exchange Commission shall take from Defendant Thomas Heysek the principal sum of \$56,000.00; in addition Defendant Thomas Heysek shall also pay prejudgement interest thereon, calculated from February 14, 2005, based on the rate of interest used by the Internal Revenue Service for the underpayment of federal income tax as set forth in 26 U.S.C. § 6621(a)(2) for an amount of \$7,916.32. Therefore, Plaintiff Securities And Exchange Commission does have and recover from Defendant Thomas Heysek \$63,916.82, for all of which let execution issue.

IV. Retention of Jurisdiction

IT IS FURTHER ORDERED AND ADJUDGED that the Court shall retain Jurisdiction of the above-styled cause for the purposes of enforcing the terms of this Final Judgment And Permanent

Injunction.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward
County, Florida, this 19th day of July, 2007.



WILLIAM J. ZLOCH
United States District Judge

Copies furnished:

All Counsel of Record

Paul A. Spreadbury, Pro Se
8652 Bellemeadow Blvd.
Pensacola, FL 32514

Thomas Heysek, Pro Se
320 Gerald Ave
Sacramento, CA 95025-1305