

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**UNITED STATES SECURITIES AND
EXCHANGE COMMISSION**

Plaintiff,

v.

**DARREL T. USELTON and JACK E.
USELTON,
Defendants.**

Civil Case No. 07-02211

**FINAL JUDGMENT AS TO DEFENDANT
DARREL T. USELTON**

The Securities and Exchange Commission having filed a Complaint and Defendant Darrel T. Uselton having entered a general appearance; consented to the Court's jurisdiction over him 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 Darrel T. Uselton and his 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, 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 FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Darrel T. Uselton is permanently barred from participating in an offering of penny stock, 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. A penny stock is any equity security that has a price of less than five dollars, except as provided in Rule 3a51-1 under the Exchange Act [17 C.F.R. 240.3a51-1].

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Darrel T. Uselton is liable for disgorgement and prejudgment interest of \$2,838,866.72, representing profits gained as a result of the conduct alleged in the Complaint; provided, however, that in view of Uselton's obligation to pay restitution of \$2,838,866.72 to the State of Texas in connection with The State of Texas v. Approximately \$4,238,866.72, Cause No. 2007-

00698 pending in the District Court of Harris County, 280th Judicial District, such disgorgement and prejudgment interest is deemed satisfied upon entry of an order requiring Defendant Darrel T. Uselton to pay restitution of at least \$2,838,866.72 in the above-referenced proceedings.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Darrel T. Uselton shall pay a civil penalty in the amount of \$1,000,000.00 pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant Darrel T. Uselton shall make this payment within ten (10) business days after entry of this Final Judgment by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia, Virginia 22312, and shall be accompanied by a letter identifying Darrel T. Uselton in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this Final Judgment. Defendant Darrel T. Uselton shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC Section 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury. The \$1,000,000 penalty will be deemed satisfied when the Harris County District Attorney's Office transfers \$1,000,000.00 to the Securities and Exchange Commission from the money seized pursuant to Court order in The State of Texas v. Approximately \$4,238,866.72, Cause No. 2007-00698 pending in the District Court of Harris County, 280th Judicial District.


V.

IT IS 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 Darrel T. Uselton shall comply with all of the undertakings and agreements set forth therein.

VI.

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: MARCH 18, 2009



THE HONORABLE KENNETH HOYT
UNITED STATES DISTRICT JUDGE