

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:
08-23546-CIV-HOEVELER/GARBER

SECURITIES AND EXCHANGE COMMISSION,)

Plaintiff,)

v.)

CALIXTO CHAVES,)

Defendant.)

**CLOSED
CIVIL
CASE**

FINAL JUDGMENT AS TO DEFENDANT CALIXTO CHAVES

Plaintiff Securities and Exchange Commission having filed a Complaint seeking a permanent injunction prohibiting Defendant Calixto Chaves ("Chaves" or "Defendant") from violating the antifraud, books and records, internal control, and officer certification provisions of the federal securities laws; and Chaves, by the attached Consent, having entered into a general appearance, consented to the Court's jurisdiction over him and the subject matter of this action, consented to the entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction) and waiving findings of fact and conclusions of law, and waiving any right to appeal from this Judgment; and the Court accepting such Consent and having jurisdiction over Defendant and the subject matter of this action:

I.

SECTION 10(b) OF THE EXCHANGE ACT AND RULE 10b-5 THEREUNDER

IT IS ORDERED AND ADJUDGED that Chaves, his officers, 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 restrained

and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 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.

**SECTION 13(a) OF THE EXCHANGE ACT AND RULES 12b-20, 13a-1,
and 13a-13 THEREUNDER**

IT IS FURTHER ORDERED AND ADJUDGED that Chaves, his officers, 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 restrained and enjoined from violating, directly or indirectly, Section 13(a) of the Exchange Act [15 U.S.C. § 78m(a)] and Rules 12b-20, 13a-1, and 13a-13 thereunder [17 C.F.R. §§ 240.12b-20, 240.13a-1, and 240.13a-13] by filing or causing to be filed with the Commission any annual or quarterly report on behalf of Rica Foods, Inc., or any other issuer, required to be filed with the Commission pursuant to Section 13(a) of the Exchange Act [15 U.S.C. § 78m(a)] and the rules and regulations promulgated thereunder, which misstates any material facts or omits material information necessary to make the information in such report true and correct.

III.

SECTION 13(b)(2)(A) OF THE EXCHANGE ACT AND RULE 13b2-1 THEREUNDER

IT IS FURTHER ORDERED AND ADJUDGED that Chaves, his officers, 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 restrained and enjoined from violating, directly or indirectly, Section 13(b)(2)(A) of the Exchange Act [15 U.S.C. § 78m(b)(2)(A)] and Rule 13b2-1 [17 C.F.R. § 240.13b2-1] by:

(a) failing to make and keep accurate books, records and accounts, which, in reasonable detail, accurately and fairly reflect the transactions and disposition of the assets of the issuer; and

(b) falsifying, or causing to be falsified, any book, record, or account subject to Section 13(b)(2)(A) of the Exchange Act [15 U.S.C. § 18m(b)(2)(A)].

IV.

SECTION 13(b)(2)(B) OF THE EXCHANGE ACT

IT IS FURTHER ORDERED AND ADJUDGED that Chaves, his officers, 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 restrained and enjoined from violating, directly or indirectly, Section 13(b)(2)(B) of the Exchange Act [15 U.S.C. § 78m(b)(2)(A)] by failing to devise and maintain a system of internal accounting controls sufficient to provide reasonable assurances that: transactions are executed in accordance with management's general or specific authorization; transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted

accounting principals or any other criteria applicable to such statements, and to maintain accountability for assets; access to assets is permitted only in accordance with management's general or specific authorization; and the recorded accountability for assets is compared with the existing assets at reasonable intervals and appropriate action is taken with respect to any differences.

V.

SECTION 13(b)(5) OF THE EXCHANGE ACT

IT IS FURTHER ORDERED AND ADJUDGED that Chaves, his officers, 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 restrained and enjoined from violating, directly or indirectly, Section 13(b)(5) of the Exchange Act [15 U.S.C. § 78m(b)(5)] by knowingly circumventing or knowingly failing to implement a system of internal accounting controls, or knowingly falsifying any book, record or account as described in Section 13(b)(2) of the Exchange Act [15 U.S.C. § 78(b)(2)].

VI.

RULE 13b2-2 UNDER THE EXCHANGE ACT

IT IS FURTHER ORDERED AND ADJUDGED that Chaves, his officers, 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 restrained and enjoined from violating, directly or indirectly, Rule 13b2-2 under the Exchange Act [17 C.F.R. § 240.13b2-2] by making or causing to be made a materially false or misleading statement or omitting to state, or cause another person to omit to state, any material fact necessary in order to make statements made, in light of the circumstances under which such

statements were made, not misleading to an accountant in connection with (i) any audit, review or examination of the financial statements of the issuer required to be made pursuant to Section 13 of the Exchange Act [15 U.S.C. § 78m] and the rules and regulations thereunder; or (ii) the preparation or filing of any document or report required to be filed with the Commission pursuant to Section 13 of the Exchange Act [15 U.S.C. § 78m] or the rules and regulations thereunder, or otherwise.

VII.

RULE 13a-14 UNDER THE EXCHANGE ACT

IT IS FURTHER ORDERED AND ADJUDGED that Chaves, his officers, 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 restrained and enjoined from violating, directly or indirectly, Rule 13a-14 under the Exchange Act [17 C.F.R. § 240.13a-14] by filing or causing to be filed with the Commission any annual or quarterly report on behalf of any issuer required to be filed with the Commission pursuant to Section 13 of the Exchange Act [15 U.S.C. § 78m] and the rules and regulations thereunder, which contains a certification required by Rule 13a-14 under the Exchange Act [17 C.F.R. § 240.13a-14] which contains any untrue statement of material fact, which omits to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or which omits to disclose any information required to be disclosed.

VIII.

OFFICER AND DIRECTOR BAR

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Chaves is permanently prohibited from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15 of the Exchange Act [15 U.S.C. § 78o(d)].

IX.

CIVIL MONEY PENALTY

IT IS FURTHER ORDERED AND ADJUDGED that Chaves shall pay a civil penalty in the amount of \$50,000. Chaves shall satisfy this obligation by paying \$50,000 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 22312, and shall be accompanied by a letter identifying Chaves as a defendant 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. Chaves shall send a copy of the letter and payment form to Teresa J. Verges, Assistant Regional Director, Securities and Exchange Commission, 801 Brickell Avenue, Suite 1800, Miami, FL 33131. Chaves shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

Chaves shall not seek or accept, directly or indirectly, reimbursement or indemnification from any source, including but not limited to payment made pursuant to any insurance policy, with regard to any civil penalty amount he pays pursuant to this Final Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution fund or otherwise used for the benefit of investors. Chaves further shall not claim, assert, or apply for tax deduction or tax credit with regard to any federal, state, or local tax for any penalty amounts he pays pursuant to this Final Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution fund or otherwise used for the benefit of investors.

X.

INCORPORATION OF CHAVES' CONSENT

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

XI.

RETENTION OF JURISDICTION

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

XII.

CERTIFICATION UNDER RULE 54(b)

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 Judgment forthwith and without further notice.

DONE AND ORDERED this 18th day of February, 2008 at Miami, Florida.

Wm M Hoercher

[JUDGE]

UNITED STATES DISTRICT COURT JUDGE

Copies to all counsel and parties of record