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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

MOISES PACHECO, ADVANCED MONEY
MANAGEMENT, INC., and BUSINESS
DEVELOPMENT & CONSULTING CO.,

Defendants,

and

AP PREMIUM VALUE FUND I LIMITED-
LIABILITY LP; AP PREMIUM VALUE
FUND II, LLC; AP PREMIUM VALUE
FUND III, LLC; AP PREMIUM VALUE
FUND IV, LLC; CAPITAL PARTNERSHIP
GROUP, LLC; AP CAPITAL, LLC; REAL
ESTATE INVESTMENT GROUP, LLC;
MATTHEW LA MADRID; THE PREMIUM
RETURN FUND III LIMITED-LIABILITY
LP; PALLADIUM HOLDING COMPANY;
DONALD E. LOPEZ; FOUR SQUARE
PRODUCTIONS, INC.; and ARTURO
CASTANARES,

Relief Defendants.

Case No. 09-CV-1355 W RBB

**JUDGMENT OF PERMANENT
INJUNCTION AND OTHER RELIEF
AGAINST DEFENDANT MOISES
PACHECO**

1 Plaintiff Securities and Exchange Commission (“Commission”) having filed a Complaint
2 and Defendant Moises Pacheco (“Pacheco”) having entered a general appearance; consented to
3 the Court’s jurisdiction over him and the subject matter of this action; consented to entry of this
4 Judgment of Permanent Injunction And other Relief (“Judgment”) without admitting or denying
5 the allegations of the Complaint (except as to jurisdiction); waived findings of fact and
6 conclusions of law; and waived any right to appeal from this Judgment:

7 **I.**

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Pacheco and his
9 agents, servants, employees, attorneys, and all persons in active concert or participation with
10 them who receive actual notice of this Judgment by personal service or otherwise are
11 permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the
12 Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5
13 promulgated thereunder, 17 C.F.R. § 240.10b-5, by using any means or instrumentality of
14 interstate commerce, or of the mails, or of any facility of any national securities exchange, in
15 connection with the purchase or sale of any security:

- 16 (a) to employ any device, scheme, or artifice to defraud;
- 17 (b) to make any untrue statement of a material fact or to omit to state a material fact
18 necessary in order to make the statements made, in the light of the circumstances
19 under which they were made, not misleading; or
- 20 (c) to engage in any act, practice, or course of business which operates or would
21 operate as a fraud or deceit upon any person.

22 **II.**

23 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Pacheco
24 and his agents, servants, employees, attorneys, and all persons in active concert or participation
25 with them who receive actual notice of this Judgment by personal service or otherwise are
26 permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933
27 (the “Securities Act”), 15 U.S.C. § 77q(a), in the offer or sale of any security by the use of any
28 means or instruments of transportation or communication in interstate commerce or by use of the

1 mails, directly or indirectly:

- 2 (a) to employ any device, scheme, or artifice to defraud;
- 3 (b) to obtain money or property by means of any untrue statement of a material fact
4 or any omission of a material fact necessary in order to make the statements
5 made, in light of the circumstances under which they were made, not misleading;
6 or
- 7 (c) to engage in any transaction, practice, or course of business which operates or
8 would operate as a fraud or deceit upon the purchaser.

9 **III.**

10 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Pacheco
11 and his agents, servants, employees, attorneys, and all persons in active concert or participation
12 with them who receive actual notice of this Final Judgment by personal service or otherwise are
13 permanently restrained and enjoined from violating Section 5 of the Securities Act, 15 U.S.C.
14 § 77e, by, directly or indirectly, in the absence of any applicable exemption:

- 15 (a) Unless a registration statement is in effect as to a security, making use of any
16 means or instruments of transportation or communication in interstate commerce
17 or of the mails to sell such security through the use or medium of any prospectus
18 or otherwise;
- 19 (b) Unless a registration statement is in effect as to a security, carrying or causing to
20 be carried through the mails or in interstate commerce, by any means or
21 instruments of transportation, any such security for the purpose of sale or for
22 delivery after sale; or
- 23 (c) Making use of any means or instruments of transportation or communication in
24 interstate commerce or of the mails to offer to sell or offer to buy through the use
25 or medium of any prospectus or otherwise any security, unless a registration
26 statement has been filed with the Commission as to such security, or while the
27 registration statement is the subject of a refusal order or stop order or (prior to the
28 effective date of the registration statement) any public proceeding or examination

1 under Section 8 of the Securities Act, 15 U.S.C. § 77h.

2 IV.

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Pacheco and his
4 agents, servants, employees, attorneys, and all persons in active concert or participation with
5 them who receive actual notice of this Judgment by personal service or otherwise are
6 permanently restrained and enjoined from violating, directly or indirectly, Section 206(1) or
7 206(2) of the Investment Advisers Act of 1940 (“Advisers Act”), 15 U.S.C. §§ 80b-6(1) and (2),
8 by using the mails or any means or instrumentality of interstate commerce while acting as an
9 investment adviser as defined in the Advisers Act:

- 10 (a) to employ any device, scheme, or artifice to defraud clients or prospective clients;
11 or
12 (b) to engage in any transaction, practice, or course of business which operates as a
13 fraud or deceit on clients or prospective clients.

14 V.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Pacheco and his
16 agents, servants, employees, attorneys, and all persons in active concert or participation with
17 them who receive actual notice of this Judgment by personal service or otherwise are
18 permanently restrained and enjoined from violating Section 206(4) of the Advisers Act, 15
19 U.S.C. §80-6(4), or Rule 206(4)-8, 17 C.F.R. § 275.206(4)-8, thereunder, by using the mails or
20 means or instrumentalities of interstate commerce, while acting as an investment adviser as
21 defined under the Advisers Act, directly or indirectly, to:

- 22 (a) engage in transactions, practices, or courses of business which operate as a fraud
23 or deceit upon investors or prospective investors in a pooled investment vehicle;
24 (b) make untrue statements of material fact or omit to state material facts necessary to
25 make statements made, in light of the circumstances under which they were made,
26 not misleading to investors or potential investors in a pooled investment vehicle;
27 or
28 (c) otherwise engage in acts, practices, or courses of business that are fraudulent,

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IX.

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 Judgment.

X.

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.

Dated: 11/19/09



HONORABLE THOMAS J. WHELAN
UNITED STATES DISTRICT JUDGE