

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION,**  
**Plaintiff,**

v.

**Case No. 6:09-cv-102-Orl-28KRS**

**BARRIERMED, INC.,  
BARRIERMED GLOVE CO. and  
VICTOR J. RAGUCCI,**

**Defendants.**

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**FINAL JUDGMENT AS TO DEFENDANT VICTOR J. RAGUCCI**

Plaintiff Securities and Exchange Commission commenced this action by filing its Complaint against Defendant Victor Ragucci and others. Ragucci previously entered a general appearance and consented to the Court's jurisdiction over him and the subject matter of this action. [D.E. 39, 40]. Ragucci also previously consented to: a permanent injunction prohibiting violations of Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. §§ 77e(a), 77e(c), and 77q(a)], and Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b) and 17 C.F.R. § 240.10b-5]; an officer and director bar; the Commission's entitlement to disgorgement and prejudgment interest, and to a civil money penalty pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. [D.E. 39, 40].

Without admitting or denying the allegations of the Complaint (except as to jurisdiction), Ragucci, by the attached Consent of Defendant Victor J. Ragucci to Entry of Final Judgment ("Consent"), has now also: consented to entry of this Final Judgment

as to Defendant Victor J. Ragucci ("Final Judgment"); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment. This Court having accepted such Consent, having jurisdiction over Ragucci and the subject matter of this action, and being fully advised in the premises, orders as follows:

I.

**DISGORGEMENT AND PREJUDGMENT INTEREST**

**IT IS ORDERED AND ADJUDGED** that Ragucci is liable for disgorgement of \$430,000, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$31,791.62, for a total of \$461,791.62. The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. In response to any such civil contempt motion by the Commission, Ragucci may assert any legally permissible defense. Payments under this paragraph shall be made to the Clerk of this Court, together with a cover letter identifying Ragucci 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. Ragucci shall simultaneously transmit photocopies of each such payment and letter to the Commission's counsel in this action. Ragucci relinquishes all legal and equitable right, title, and interest in such payments, and no part of the funds shall be returned to Ragucci.

The Clerk shall deposit the funds into an interest bearing account with the Court

Registry Investment System ("CRIS") or any other type of interest bearing account that is utilized by the Court. These funds, together with any interest and income earned thereon (collectively, the "Fund"), shall be held in the interest bearing account until further order of the Court. In accordance with 28 U.S.C. § 1914 and the guidelines set by the Director of the Administrative Office of the United States Courts, the Clerk is directed, without further order of this Court, to deduct from the income earned on the money in the Fund a fee equal to ten percent of the income earned on the Fund. Such fee shall not exceed that authorized by the Judicial Conference of the United States. The Commission may propose a plan to distribute the Fund subject to the Court's approval. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

**II.**

**CIVIL PENALTY**

**IT IS FURTHER ORDERED AND ADJUDGED** that Ragucci shall pay a civil penalty in the amount of \$130,000 pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Ragucci is ordered to make this payment within 14 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 Ragucci 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. Ragucci shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

III.

**INCORPORATION OF RAGUCCI'S CONSENT**

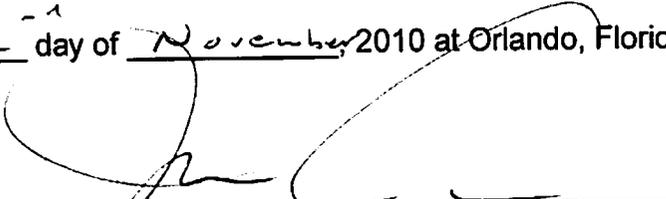
IT IS FURTHER ORDERED AND ADJUDGED that the Consent of Victor Ragucci is incorporated herein with the same force and effect as if fully set forth herein, and that Ragucci shall comply with all of the undertakings and agreements set forth therein.

IV.

**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.

DONE AND ORDERED this 2<sup>nd</sup> day of November, 2010 at Orlando, Florida.

  
\_\_\_\_\_  
JOHN ANTOON II  
UNITED STATES DISTRICT COURT JUDGE

Copies to all counsel and parties of record

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

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v.  
BARRIERMED, INC.,  
BARRIERMED GLOVE CO. and  
VICTOR J. RAGUCCI,

Defendants.

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**CONSENT OF DEFENDANT VICTOR J.  
RAGUCCI TO ENTRY OF FINAL JUDGMENT**

1. Defendant Victor J. Ragucci, without admitting or denying the allegations of the Complaint (except as to personal and subject matter jurisdiction, which Ragucci previously admitted [D.E. 39, 40]), hereby consents to the entry of the Final Judgment as to Defendant Victor J. Ragucci in the form attached hereto and incorporated by reference (the "Final Judgment"), which, among other things, orders Ragucci to pay \$430,000 in disgorgement plus prejudgment interest thereon in the amount of \$31,791.62, and a civil penalty of \$130,000, for a total of \$591,791.62.

2. Ragucci agrees that he 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 amounts that Ragucci pays pursuant to the 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. Ragucci further agrees that Ragucci shall not claim, assert, or apply for a tax deduction or tax credit with regard



Victor Ragucci Initials

to any federal, state, or local tax for any penalty amounts that Ragucci pays pursuant to the 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.

3. Ragucci waives the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure.

4. Ragucci waives the right, if any, to a jury trial and to appeal from the entry of the Final Judgment.

5. Ragucci enters into this Consent voluntarily and represents that no threats, offers, promises, or inducements of any kind have been made by the Commission or any member, officer, employee, agent, or representative of the Commission to Ragucci or anyone acting on his behalf except as stated in this Consent or the attached Final Judgment to induce Ragucci to enter into this Consent.

6. Ragucci agrees that this Consent shall be incorporated into the Final Judgment with the same force and effect as if fully set forth herein.

7. Ragucci will not oppose the enforcement of the Final Judgment on the ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure, and hereby waives any objection based thereon.

8. Ragucci waives service of the Final Judgment and agrees that entry of the Final Judgment by the Court and filing with the Clerk of the Court will constitute notice to Ragucci of its terms and conditions. Ragucci further agrees to provide counsel for the Commission, within thirty days after the Final Judgment is filed with the Clerk of the Court, with an affidavit or declaration stating that Ragucci has received and read a copy of the Final Judgment.



Victor J. Ragucci's Initials

9. Consistent with 17 C.F.R. 202.5(f), this Consent resolves only the claims asserted against Ragucci in this civil proceeding. Ragucci acknowledges that no promise or representation has been made by the Commission or any member, officer, employee, agent, or representative of the Commission with regard to any criminal liability that may have arisen or may arise from the facts underlying this action or immunity from any such criminal liability. Ragucci waives any claim of Double Jeopardy based upon the settlement of this proceeding, including the imposition of any remedy or civil penalty herein. Ragucci further acknowledges that the Court's entry of a permanent injunction may have collateral consequences under federal or state law and the rules and regulations of self-regulatory organizations, licensing boards, and other regulatory organizations. Such collateral consequences include, but are not limited to, a statutory disqualification with respect to membership or participation in, or association with a member of, a self-regulatory organization. This statutory disqualification has consequences that are separate from any sanction imposed in an administrative proceeding. In addition, in any disciplinary proceeding before the Commission based on the entry of the injunction in this action, Ragucci understands that he shall not be permitted to contest the factual allegations of the complaint in this action.

10. Ragucci understands and agrees to comply with the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings." 17 C.F.R. § 202.5. In compliance with this policy, Ragucci agrees: (i) not to take any action or to make or permit to be made any public statement denying, directly or indirectly, any allegation in the complaint or creating the impression that the complaint is without factual basis; and (ii) that upon the filing of this Consent, Ragucci hereby withdraws any papers filed in this action to the extent that they



Victor J. Ragucci's Initials

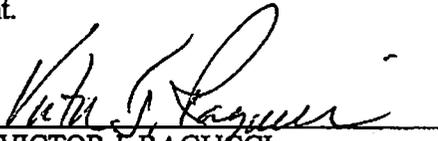
deny any allegation in the complaint. If Ragucci breaches this agreement, the Commission may petition the Court to vacate the Judgment and restore this action to its active docket. Nothing in this paragraph affects Ragucci's: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which the Commission is not a party.

11. Ragucci hereby waives any rights under the Equal Access to Justice Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek from the United States, or any agency, or any official of the United States acting in his or her official capacity, directly or indirectly, reimbursement of attorney's fees or other fees, expenses, or costs expended by Ragucci to defend against this action. For these purposes, Ragucci agrees that Ragucci is not the prevailing party in this action since the parties have reached a good faith settlement.

12. Ragucci agrees that the Commission may present the Final Judgment to the Court for signature and entry without further notice.

13. Ragucci agrees that this Court shall retain jurisdiction over this matter for the purpose of enforcing the terms of the Final Judgment.

Dated: Oct 14, 2010

  
VICTOR J. RAGUCCI

STATE OF Florida )  
COUNTY OF Orange )

ss:

On this 14 day of October, 2010, before me personally appeared VICTOR J. RAGUCCI who  is personally known to me or \_\_\_\_\_ who produced a \_\_\_\_\_

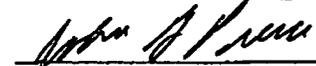
 Victor J. Ragucci's Initials

driver's license bearing his name and photograph as identification, and who executed this Consent, and he acknowledged to me that he executed the same.

  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Commission Expires

Approved as to form:

  
\_\_\_\_\_  
John G. Pierce, Esq.  
Pierce and Associates, P.L.  
800 North Ferncreek Avenue  
Orlando, Florida 32803  
Telephone: (407) 898-4848  
*Attorney for Defendant Victor J. Ragucci*

  
\_\_\_\_\_  
Victor J. Ragucci's Initials

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right to appeal from this Final Judgment. This Court having accepted such Consent, having jurisdiction over Ragucci and the subject matter of this action, and being fully advised in the premises, orders as follows:

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The Clerk shall deposit the funds into an interest bearing account with the Court Registry Investment System ("CRIS") or any other type of interest bearing account that is utilized by the Court. These funds, together with any interest and income earned thereon (collectively, the "Fund"), shall be held in the interest bearing account until further order of the Court. In

accordance with 28 U.S.C. § 1914 and the guidelines set by the Director of the Administrative Office of the United States Courts, the Clerk is directed, without further order of this Court, to deduct from the income earned on the money in the Fund a fee equal to ten percent of the income earned on the Fund. Such fee shall not exceed that authorized by the Judicial Conference of the United States. The Commission may propose a plan to distribute the Fund subject to the Court's approval. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

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**DONE AND ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2010 at Orlando, Florida.

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**JOHN ANTOON II**  
**UNITED STATES DISTRICT COURT JUDGE**

Copies to all counsel and parties of record