

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.

Defendant Gerald Patera and Defendant's 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 Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

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

III.

Defendant Gerald Patera and Defendant's 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 Section 15(a) of the Exchange Act [15 U.S.C. § 78o(a)], to effect transactions in, or to induce or attempt to induce the purchase or sale of securities, through the use of the mails or means or instrumentalities of interstate commerce, without being registered as a broker or dealer or being associated with a registered broker or dealer.

IV.

Defendant Gerald Patera 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 3a5-1 under the Exchange Act [17 C.F.R. § 240.3a51-1].

V.

Defendants Gerald Patera, Capital Bankers Group, Ltd., and Third Securities Corp. are jointly and severally liable for disgorgement of \$2,631,148, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$1,195,765, for a total of \$3,826,913. Based on Defendants' sworn representations in their Statement of Financial Condition dated November 7, 2011, and other documents and information submitted to the Commission, however, the Court is not ordering Defendants to pay a civil penalty and payment of all but \$30,000 of the disgorgement and pre-judgment interest is thereon is waived.

Defendants shall satisfy this obligation by paying \$30,000 pursuant to the terms of the payment schedule set forth in paragraph VI below 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 payments shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, 100 F Street, NE, Stop 6042, Washington DC 20549, and shall be accompanied by a letter identifying Defendants as defendants 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. A copy of the letter shall be sent to Carolyn M. Welshhans, U.S. Securities and Exchange Commission, 100 F Street, N.E., Washington, D.C. 20549. Defendants 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.

The determination not to impose a civil penalty and to waive payment of all but \$30,000 of the disgorgement and pre-judgment interest is contingent upon the accuracy and completeness of Defendants' Statement of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Defendants' representations to the Commission concerning their assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to Defendants, petition the Court for an order requiring Defendants to pay the unpaid portion of the disgorgement, pre-judgment and post-judgment interest thereon, and the maximum civil penalty allowable under the law. In connection with any such petition, the only issue shall be whether the financial information provided by Defendants was fraudulent, misleading, inaccurate, or incomplete in any material respect as of the

time such representations were made. In its petition, the Commission may move this Court to consider all available remedies, including, but not limited to, ordering Defendants to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment. The Commission may also request additional discovery. Defendants may not, by way of defense to such petition: (1) challenge the validity of the Consent or this Final Judgment; (2) contest the allegations in the Complaint filed by the Commission; (3) assert that payment of disgorgement, pre-judgment and post-judgment interest or a civil penalty should not be ordered; (4) contest the amount of disgorgement and pre-judgment and post-judgment interest; (5) contest the imposition of the maximum civil penalty allowable under the law; or (6) assert any defense to liability or remedy, including, but not limited to, any statute of limitations defense.

VI.

Defendants Gerald Patera, Capital Bankers Group., Ltd., and Third Securities Corp. shall pay \$30,000 in thirteen installments according to the following schedule: (1) \$6,000, within 14 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; (2) \$2,000 within 120 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; (3) \$2,000 within 240 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; (3) \$2,000 within 360 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; (4) \$2,000 within 480 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; (5) \$2,000 within 600 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; (6) \$2,000 within 720 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; (7) \$2,000 within 840 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; (8) \$2,000 within 960 days of entry of this Final Judgment plus post-

judgment interest pursuant to 28 U.S.C. § 1961; (9) \$2,000 within 1,080 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; (10) \$2,000 within 1,200 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; (11) \$2,000 within 1,320 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; (12) \$2,000 within 1,440 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961; and (13) \$2,000 within 1,560 days of entry of this Final Judgment plus post-judgment interest pursuant to 28 U.S.C. § 1961.

If Defendants Gerald Patera, Capital Bankers Group, Ltd., and Third Securities Corp. fail to make any payment by the date agreed and/or in the amount agreed according to the schedule set forth above, all outstanding payments under this Final Judgment, including post-judgment interest, minus any payments made, shall become due and payable immediately without further application to the Court.

VII.

It is further **ORDERED** that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

SO ORDERED on this **27th day of April, 2012.**



Reed O'Connor
UNITED STATES DISTRICT JUDGE