

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 9:13-CV-80396-HURLEY/JAMES

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MARK D. BEGELMAN,

Defendant.

FINAL JUDGMENT AS TO DEFENDANT MARK D. BEGELMAN

The Securities and Exchange Commission having filed a Complaint, and Defendant Mark D. Begelman 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 personal and subject matter jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

PERMANENT INJUNCTION

IT IS ORDERED AND ADJUDGED that Begelman 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 Exchange Act Rule 10b-5 [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

by: (i) buying or selling a security of any issuer, on the basis of material nonpublic information, in breach of a fiduciary duty or other duty of trust or confidence that is owed directly, indirectly, or derivatively, to the issuer of that security or the shareholders of that issuer, or to any other person who is the source of the information; or (ii) by communicating material nonpublic information about a security or issuer, in breach of a fiduciary duty or other duty of trust or confidence, to another person or persons for purposes of buying or selling any security.

II.

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)], Begelman is prohibited, for five years following the date of entry of this Final Judgment, 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(d) of the Exchange Act [15 U.S.C. § 78o(d)].

III.

DISGORGEMENT, PREJUDGMENT INTEREST, AND CIVIL PENALTY

IT IS FURTHER ORDERED AND ADJUDGED that Begelman is liable for disgorgement of \$14,949.34, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest in the amount of \$377.22, and a civil penalty in the amount of \$14,949.34 pursuant to Exchange Act Section 21A. Begelman shall satisfy this obligation by paying \$30,275.90 to the Securities and Exchange Commission within 14 days after entry of this Final Judgment.

Begelman may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Begelman may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to:

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Mark D. Begelman as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Begelman shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. Robert K. Levenson, Regional Trial Counsel, Miami Regional Office, U.S. Securities and Exchange Commission, 801

Brickell Avenue, Suite 1800 Miami, FL 33131. By making this payment, Begelman relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Begelman. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury. Begelman shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

Begelman 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 he pays pursuant to the Final Judgment, regardless of whether such penalty amounts or any part are added to a distribution fund or otherwise used for the benefit of investors. Begelman further shall not claim, assert, or apply for a tax deduction or tax credit with regard to any federal, state, or local tax for any penalty amounts he pays pursuant to the Final Judgment, regardless of whether such penalty amounts or any part are added to a distribution fund or otherwise used for the benefit of investors.

IV.

INCORPORATION OF CONSENT

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

V.

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.

VI.

RULE 54 CERTIFICATION

There being no just reason for delay, pursuant to Rule 54 of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

DONE AND ORDERED in Chambers in West Palm Beach, Florida, this 23rd day of April, 2013.



DANIEL T. K. HURLEY
UNITED STATES DISTRICT JUDGE

Service on all parties and counsel of record