

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PHOENIX DIVISION

Securities and Exchange Commission,

Plaintiff,

vs.

U. S. Reservation Bank & Trust;
et al.

Defendants,

and

Oyate Development, Inc.;;
et al.

Defendants Solely for
Purposes of Equitable Relief.

Case No.
CIV-02-0581 PHX (EHC)

Agreed Judgment as to
Defendant William J. Herisko

**AGREED JUDGMENT AS TO
DEFENDANT WILLIAM J. HERISKO**

The Securities and Exchange Commission having filed a *Complaint* and Defendant William J. Herisko (“Defendant”) having entered a general appearance; consented to the Court’s jurisdiction over Defendant and the subject matter of this action; consented to

1 entry of this *Agreed Judgment* without admitting or denying the allegations of the
2 *Complaint* (except as to jurisdiction):

3 **I.**

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

12 (a) to employ any device, scheme, or artifice to defraud;

13 (b) to make any untrue statement of a material fact or to omit to state a
14 material fact necessary in order to make the statements made, in the light of
15 the circumstances under which they were made, not misleading; or

16 (c) to engage in any act, practice, or course of business which operates
17 or would operate as a fraud or deceit upon any person.

18 **II.**

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and
20 Defendant's agents, servants, employees and all persons in active concert or participation
21 with them who receive actual notice of this *Agreed Judgment* by personal service or
otherwise are permanently restrained and enjoined from violating Section 17(a) of the

1 Securities Act of 1933 (“Securities Act”) [15 U.S.C. §77q(a)] in the offer or sale of any
2 security by the use of any means or instruments of transportation or communication in
3 interstate commerce or by use of the mails, directly or indirectly:

4 (a) to employ any device, scheme, or artifice to defraud;

5 (b) to obtain money or property by means of any untrue statement of a
6 material fact or any omission of a material fact necessary in order to make
7 the statements made, in light of the circumstances under which they were
8 made, not misleading; or

9 (c) to engage in any transaction, practice, or course of business which
10 operates or would operate as a fraud or deceit upon the purchaser.

11 **III.**

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and
13 Defendant's agents, servants, employees and all persons in active concert or participation
14 with them who receive actual notice of this *Agreed Judgment* by personal service or
15 otherwise, and each of them, are restrained and enjoined from directly or indirectly,
16 engaging in the business of effecting transactions in securities, in the form of investment
17 contracts, or any other security, for his own account or for the account of others, while
18 making use of the mails or any means or instrumentality of interstate commerce to effect
19 any transaction in, or to induce or attempt to induce the purchase or sale of, any security
20 (other than an exempted security or commercial paper, banker’s acceptances, or
21 commercial bills) unless Defendant is registered as a broker or dealer in accordance with
Section 15(b) of the Exchange Act [15 U.S.C. §78o(b)] and all applicable rules

1 promulgated thereunder or is otherwise exempt from registration under Section 15(a)(1)
2 of the Exchange Act [15 U.S.C. §78o(a)(1)].

3 **IV.**

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and
5 Defendant's agents, servants, employees and all persons in active concert or participation
6 with them who receive actual notice of this *Agreed Judgment* by personal service or
7 otherwise, and each of them, are restrained and enjoined from directly or indirectly,
8 violating of the terms of the Commission's July 6, 1995, *Order Instituting Proceeding*
9 *Pursuant to Section 8A of the Securities Act of 1933, Making Findings and Imposing*
10 *Cease and Desist Order entered in In the Matter of Global-Link Capital Markets,*
11 *Kenneth S. Harrison, and W. J. Herisko, Administrative Proceeding, File No. 3-8745.*

12 **V.**

13 Upon motion of the Commission, the Court shall determine whether it is
14 appropriate to order disgorgement of ill-gotten gains and/or a civil penalty pursuant to
15 Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the
16 Exchange Act [15 U.S.C. § 78u(d)(3)] and, if so, the amount(s) of the disgorgement
17 and/or civil penalty. If disgorgement is ordered, Defendant shall pay prejudgment interest
18 thereon, calculated from March 1, 2000, based on the rate of interest used by the Internal
19 Revenue Service for the underpayment of federal income tax as set forth in 26 U.S.C.
20 § 6621(a)(2).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

VI.

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

VII.

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 *Agreed Judgment*.

VIII.

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 *Agreed Judgment* forthwith and without further notice.

DATED this 25th day of September, 2006.



Earl H. Carroll
United States District Judge