

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 13-61762-CIV-ROSENBAUM/HUNT**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

RICHARD P. GREENE, and PETER  
SANTAMARIA,

Defendants.

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**JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF  
AS TO DEFENDANT RICHARD P. GREENE**

This matter is before the Court upon Plaintiff's Notice of Filing of Consent of Defendant, and Request for Entry of Judgment of Permanent Injunction and Other Relief [D.E. 15]. Defendant Richard P. Greene's Consent has been filed with the Court and indicates that Greene has entered a general appearance; consented to the Court's jurisdiction over him and the subject matter of this action; consented to entry of this Judgment of Permanent Injunction and Other Relief as to Defendant Richard P. Greene ("Judgment") without admitting or denying the allegations of the Complaint (except as to personal and subject matter jurisdiction, which Greene admits); waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment.

**I.**

**SECTION 17(a)(1) OF THE SECURITIES ACT OF 1933**

Accordingly, it is **ORDERED and ADJUDGED** that Greene and his agents, servants, employees, attorneys, representatives, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently

restrained and enjoined from violating Section 17(a)(1) of the Securities Act of 1933 (the “Securities Act”), 15 U.S.C. § 77q(a)(1), 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, to employ any device, scheme, or artifice to defraud, by, directly or indirectly, (i) creating a false appearance or otherwise deceiving any person about the price or trading market for any security, or (ii) making any false or misleading statement, or disseminating any false or misleading documents, materials, or information, concerning matters relating to a decision by an investor or prospective investor to buy or sell securities of any company.

## II.

### **SECTION 10(b) OF THE SECURITIES EXCHANGE ACT OF 1934 AND EXCHANGE ACT RULE 10b-5(a) and (c)**

It is further **ORDERED and ADJUDGED** that Greene and his agents, servants, employees, attorneys, representatives, and all persons in active concert or participation with them who receive actual notice of this 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 (“Exchange Act”), 15 U.S.C. § 78j(b), and Exchange Act Rule 10b-5(a) and (c), 17 C.F.R. § 240.10b-5(a) and (c), 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; or
- (b) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person

by, directly or indirectly, (i) creating a false appearance or otherwise deceiving any person about the price or trading market for any security, or (ii) making any false or misleading statement, or disseminating any false or misleading documents, materials, or information, concerning matters relating to a decision by an investor or prospective investor to buy or sell securities of any company.

### III.

#### **PENNY STOCK BAR**

It is further **ORDERED and ADJUDGED** that Greene 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 3a51-1 under the Exchange Act, 17 C.F.R. § 240.3a51-1.

### IV.

#### **DISGORGEMENT AND CIVIL PENALTY**

It is further **ORDERED and ADJUDGED** that Greene shall pay disgorgement of ill-gotten gains, prejudgment interest, and a civil 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). The Court shall determine the amounts of the disgorgement and civil penalty upon motion of the Commission. Prejudgment interest shall be calculated from March 14, 2012, based on the rate of interest used by the Internal Revenue Service for the underpayment of federal income tax as set forth in 26 U.S.C. § 6621(a)(2). In connection with the Commission's motion for disgorgement and civil penalty and at any hearing held on such a motion: (a) Greene will be precluded from arguing he did not violate the federal securities laws as alleged in the Complaint; (b) Greene may not challenge the validity of this Judgment; (c) solely for the purposes of such motion, the allegations of the Complaint shall be

accepted as and deemed true by the Court; and (d) the Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence, without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. In connection with the Commission's motion for disgorgement and civil penalty, the parties may take discovery, including discovery from appropriate non-parties.

V.

**INCORPORATION OF CONSENT**

It is further **ORDERED and ADJUDGED** that the Consent filed with the Court [D.E. 15] is incorporated with the same force and effect as if fully set forth herein and that Greene shall comply with all of the undertakings and agreements set forth therein.

VI.

**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 Judgment.

VII.

**RULE 54(b) CERTIFICATION**

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.

**DONE and ORDERED** in Ft. Lauderdale, Florida, this 7th day of November 2013.

  
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ROBIN S. ROSENBAUM  
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record

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