

SECRET

: No. 8:00-CV-383-T-26B

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04 MAY 17 PM 2:47
U.S. DISTRICT COURT
SOUTHERD DISTRICT OF FLORIDA
TAMPA, FLORIDA

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ENDED

Defendants,

AMENDED

have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that judgment is entered in favor of the plaintiff, Securities and Exchange Commission as follows:

I.

William H. Black, his agents, servants, employees, and attorneys-in-fact, and those persons in active concert or participation with any of them, who receive actual notice of this Final Judgment, by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from violating Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 [17 C.F.R. § 240.10b-5] promulgated thereunder, directly or indirectly, by, through the

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c: Finance, Intake.

use of 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. employing any device, scheme, or artifice to defraud;
- B. making any untrue statement of a material fact or omitting 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. engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

William H. Black, 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 Section 17(a) of the Securities Act of 1933 [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.

William H. Black, his agents, servants, employees, and attorneys-in-fact, and those persons in active concert or participation with any of them, who receive actual notice of this Final Judgment, by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from violating Sections 206(1) and (2) of the Investment Advisers Act of 1940 [15 U.S.C. §§ 80b-6(1), 806b-6(2)], directly or indirectly, by, through the use of any means or instrumentality of interstate commerce, or of the mails,

- A. employing any device, scheme, or artifice to defraud any client or prospective client; or
- B. engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon any client or prospective client.

IV.

William H. Black, his agents, servants, employees, and attorneys-in-fact, and those persons in active concert or participation with any of them, who receive actual notice of this Final Judgment, by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from violating Sections 15(a) and 15(c) of the Exchange Act [15 U.S.C. §§ 78o(a), 78o(c)] and Exchange Act Rule 15c1-2 [17 C.F.R. § 240.15c1-2], directly or indirectly, by, through the use of any means or

instrumentality of interstate commerce, or of the mails,

- A. inducing or attempting to induce the purchase or sale of any security unless he is registered with the Commission; or
- B. effecting any transaction, or inducing or attempting to induce the purchase or sale of any security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

V.

Mr. Black is liable for disgorgement of \$240,000 representing profits gained as a result of the conduct alleged in the Complaint. 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 ten days following entry of this Final Judgment. In response to any such civil contempt motion by the Commission, Mr. Black 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 Mr. Black 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. Mr. Black shall simultaneously transmit photocopies of each such payment and letter to the Commission's counsel in this action. Mr. Black relinquishes all legal and equitable right, title, and interest in such payments, and no part of the funds shall be returned to him. The Clerk shall deposit the funds into an interest bearing account with the Court Registry Investment System ("CRIS"). These funds,

together with any interest and income earned thereon (collectively, the "Fund"), shall be held by the CRIS until further order of the Court. In accordance with 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.

Date: May 17, 2004

SHERYL L. LOESCH, CLERK

By: 
~~W. Barrington~~, Deputy Clerk

F I L E C O P Y

Date Printed: 05/18/2004

Notice sent to:

— Luis R. Mejia, Esq.
Securities & Exchange Commission
450 5th St., N.W.
Stop 8-7
Washington, DC 20549

8:00-cv-00383 eec

— Thomas C. Newkirk, Esq.
U.S. Securities and Exchange Commission
Mail Stop 9-11
450 5th St. N.W.
Washington, DC 20549-0911

8:00-cv-00383 eec

— William H. Black
FPC Seymour Johnson AFB
Caller Box 8004
Goldsboro, NC 27533

8:00-cv-00383 eec

— Chris A. Barker, Esq.
Barker, Rodems & Cook, P.A.
300 W. Platt St., Suite 150
Tampa, FL 33606

8:00-cv-00383 eec

— William J. Cook, Esq.
Barker, Rodems & Cook, P.A.
300 W. Platt St., Suite 150
Tampa, FL 33606

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