

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES COURTS  
SOUTHERN DISTRICT OF TEXAS  
ENTERED

MAR 30 2000

MICHAEL W. MILBY, CLERK OF COURT

SECURITIES AND EXCHANGE COMMISSION

PLAINTIFF,

vs.

No.

THOMAS E. LOYD, individually, and d/b/a  
LOYD FINANCIAL CONSULTING

DEFENDANT

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**FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER  
EQUITABLE RELIEF AS TO THOMAS E. LOYD**

This matter came before this Court on the application of plaintiff Securities and Exchange Commission ("Commission") by consent of defendant Thomas E. Loyd ("Loyd"), individually, and doing business as Loyd Financial Consulting, for issuance of this Final Judgment in this action, providing the relief set out herein.

Loyd has provided this Court with a Stipulation and Consent ("Stipulation") in which, inter alia, he 1) acknowledges and admits the in personam jurisdiction of this Court over him, and the subject matter jurisdiction of this Court over the cause of action claimed by the Commission herein; 2) waives entry of findings of fact and conclusions of law under rule 52, Fed. Rules Civ. Proc., 28 U.S.C.A., with respect to the entry of this Final Judgment; and 3) consents, for purposes of this action only, to the entry of this Final Judgment, without admitting or denying any of the allegations of the Commission's Complaint in this matter and without admitting or denying any violation of the federal securities laws, except as to jurisdiction, as set forth herein.

It appears this Court has in personam jurisdiction over Loyd, and subject matter jurisdiction over the cause of action claimed by the Commission; that no further notice or hearing

is required prior to entry of this Final Judgment and there is no just reason for delay; and the Court has been fully advised of the premises for entry of this Final Judgment.

**IT IS THEREFORE ORDERED:**

**I.**

Loyd and his agents, servants, employees, attorneys-in-fact and all other persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, be and hereby are permanently restrained and enjoined, directly or indirectly, in connection with the purchase or sale of any securities, from making use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange:

- a.) to employ devices, schemes and artifices to defraud;
- b.) to make untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and
- c.) to engage in acts, practices and courses of business which operate or would operate as a fraud or deceit upon any person.

**II.**

Loyd and his, agents, employees, servants, attorneys-in-fact, and all those persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and they hereby are permanently enjoined and restrained from while acting as an investment adviser, by the use of the mails or any means or instrumentality of interstate commerce, directly or indirectly:

- (1) employing any device, scheme, or artifice to defraud any client or prospective client; and

- (2) engaging in any transaction, practice or course of business which operates as a fraud or deceit upon any client or prospective client.

### III.

Loyd and his agents, servants, employees, attorneys-in-fact and all other persons in active concert or participation with him 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 the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, to publish, give publicity to, or circulate any notice, circular, advertisement, newspaper, article, letter, investment service, or communication which, though not purporting to offer a security for sale, describes such security for a consideration received or to be received, directly or indirectly, from an issuer, underwriter, or dealer, without fully disclosing the receipt, whether past and prospective, of such consideration and the amount thereof.

### IV.

Loyd shall pay disgorgement in the amount of \$168,180, representing his gains from the conduct alleged in the Complaint, plus pre-judgment interest thereon in the amount of \$3,913.

### V.

Loyd shall pay a civil penalty of \$50,000 pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. §78u(d)(3)]; Section 20(d) of the Securities Act [15 U.S.C. §77t(d)] and Section 209(e) of the Advisers Act [15 U.S.C. §80b-9(e)]. Loyd shall, within 90 days of the entry of this Order, pay the full amount of disgorgement, prejudgment interest thereon and civil penalty, totaling \$222,093 to the United States Treasury. Such payment shall be: (A) made by United States postal money order, certified check, bank cashier's check or bank money order; (B) made payable to the Securities and Exchange Commission; (C) hand-delivered or mailed to the Comptroller, Securities and Exchange Commission, Operations Center, 6432 General Green

Way, Stop 0-3, Alexandria, VA 22312; and (D) submitted under cover letter that identifies Loyd as a defendant in this civil action, and the docket number hereof, a copy of which cover letter and money order or check shall be sent to Harold F. Degenhardt, the District Administrator of the Fort Worth District Office, Securities and Exchange Commission, 801 Cherry Street, Suite 1900, Fort Worth Texas 76102.

**VI.**

The Consent filed herein be, and the same is hereby, incorporated in this Final Judgment with the same force and effect as if fully set forth herein.

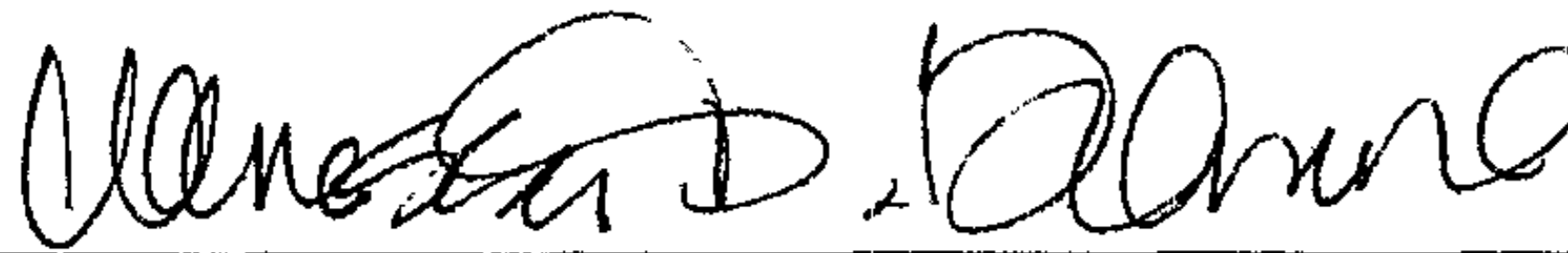
**VII.**

This Court shall retain jurisdiction over this matter and over defendant Loyd for purposes of enforcing the terms of this Final Judgment and for all other purposes.

**VIII.**

This Final Judgment may be served upon defendant Loyd in person or by mail either by the United States marshal, by the Clerk of the Court or by any member of the staff of the Commission.

DATED and SIGNED this 30<sup>th</sup> day of March, 2000.



UNITED STATES DISTRICT JUDGE


AGREED AS TO FORM AND SUBSTANCE:



THOMAS E. LOYD

C

APPROVED AS TO FORM



J. RANDLE HENDERSON  
Attorney for Thomas E. Loyd