

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(Miami Division)

FILED by *WK*
JAN 17 1997

SECURITIES AND EXCHANGE COMMISSION,)
)
 Plaintiff,)
)
 v.)
)
 ALEXANDER CHARLES FUENTES,)
)
 Defendant.)
)
 _____)

CASE NO.
96-703-CIV-KING

FINAL JUDGMENT AGAINST ALEXANDER C. FUENTES

Upon consideration of motion by the Securities and Exchange Commission ("Commission") for summary judgment against Alexander C. Fuentes ("Fuentes") and any opposition filed by Fuentes, the Court being fully advised in the premises, the Court finds that the Commission has made a proper and sufficient showing in support of its motion for summary judgment; there being no genuine issue of material fact to be tried, the Commission's motion is hereby **GRANTED** and the Court hereby **ORDERS** as follows:

I.

FRAUD IN VIOLATION OF SECTION 17(a) OF THE SECURITIES ACT

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, Fuentes, his officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, in the offer or sale of securities, in the form of common stock or any other securities, by use of any means or instruments of transportation or communication in interstate commerce or by

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use of the mails, be and they hereby are, restrained and enjoined from, directly or indirectly:

1. employing any device, scheme, or artifice to defraud;
2. obtaining money or property by means of any untrue statement of a material fact, or omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and
3. engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser;

in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

II.

**FRAUD IN VIOLATION OF SECTION 10(b) OF
THE EXCHANGE ACT AND RULE 10b-5 THEREUNDER**

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Fuentes, his officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them and each of them, in connection with the purchase or sale of securities, in the form of common stock or any other securities, by use of any means or instrumentality of interstate commerce, by use of the mails, or by use of any facility of any national securities exchange, be and they hereby are, restrained and enjoined from, directly, indirectly or as a control person under

Section 20(a) of the Securities Exchange Act of 1934 ("Exchange Act"):

1. employing any device, scheme, or artifice to defraud;
2. making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
3. engaging in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person;

in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5, thereunder.

III.

DISGORGEMENT

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Fuentes shall, within thirty (30) calendar days after entry of this Final Judgment, disgorge the sum of \$2,459,022, which represents the amount of funds raised that he fraudulently raised from investors. Such funds shall be disbursed by postal money order, certified check, cashier's check, or bank money order; such funds shall be made payable to this Court's Registry; and, a copy of the cover letter and money order or check shall be sent to Mitchell E. Herr, Regional Trial Counsel, Securities and Exchange Commission, Southeast Regional Office, 1401 Brickell

Avenue, Suite 200, Miami, Florida 33131 to confirm that such payment has been made.

IV.

CIVIL MONEY PENALTY

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the imposition of a civil money penalty, if any, against Fuentes 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), shall be reserved for later determination by this Court.

V.

CONTINUATION OF ASSET FREEZE

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that until such time as the plaintiff notifies the Court that Fuentes has provided the sworn accounting described below, Fuentes, his officers, directors, officers, agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, be and they hereby are, restrained from, directly or indirectly, transferring, setting off, receiving, changing, selling, pledging, assigning, liquidating or otherwise disposing of, or withdrawing any assets or property owned by, controlled by, or in the possession of Alexander C. Fuentes, Alcom Trading, Inc. and Americorp & Associates, Inc., including, but not limited

to, cash, free credit balances, fully paid for securities, and/or property pledged or hypothecated as collateral for loans.

Fuentes' sworn accounting shall address:

- (1) any and all assets, funds, or other properties held in his name, jointly or individually, or for his direct or indirect beneficial interest, or over which he maintains control, wherever situated, stating the location, value, and disposition of each such assets, fund, and other property;
- (2) each account with any financial or brokerage institution maintained in his name, or for his direct or indirect beneficial interest, or over which he maintains control, wherever situated, and the names and last known addresses or all bailees, debtors, and other persons and entities which have held or are holding any of his assets, funds or other properties; and
- (3) the disposition of all funds, assets or other properties removed or transferred from each account, bailee, debtor or other person or other entities, from January 1, 1995 to the date that the accounting is provided.

The Commission shall promptly notify the Court of the receipt of this accounting.

VI.

RETENTION OF JURISDICTION

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that this Court will retain jurisdiction over this matter and Fuentes in order to implement and carry out the terms of all Orders and Decrees that may be entered and/or to entertain any other suitable application or motion for additional relief within the jurisdiction of this Court.

SO ORDERED, this 14 day of Jan, 1997, at MIAMI.



JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE

cc: Mitchell E. Herr, Esq., Counsel for SEC
Nancy Van Sant, Esq., Counsel for Alexander C. Fuentes