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FILED
MAR 2 1999
DISTRICT COURT
SALT LAKE CITY, UTAH

Rec'd
MAR 2 1999
DISTRICT COURT
BY: *M*
DEPT. CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

SECURITIES AND EXCHANGE COMMISSION	:	Case No.2:97CV 06590*
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CIHACO INTERNATIONAL, INC.,	:	FINAL JUDGMENT OF
HARTMUT HAUSSECKER, BARTLEY CARSON	:	PERMANENT INJUNCTION
HEALY, and TANYA LLANES-TARVER	:	AND OTHER RELIEF
	:	AS TO BARTLEY CARSON
Defendants,	:	HEALY
	:	
and	:	
	:	
JENNIFER HAMILTON, DARRELL HAMILTON,	:	
SHIRLEY JEAN HAMILTON, DAVID CRITTEN,	:	
GARY KING, BANCROFT PROPERTIES, LTD.,	:	
AND WINDSOR-BRENTWOOD INTERNATIONAL	:	
TRUST COMPANY	:	
	:	
Relief Defendants.	:	

Plaintiff, the Securities and Exchange Commission ("Commission"), has duly commenced this action by filing a Complaint for Permanent Injunction and Other Equitable Relief ("Complaint") in this matter. Defendant Bartley Carson Healy ("Healy") has admitted the jurisdiction of this Court over him and the subject matter of this action, has waived a trial on the merits of the Complaint, has waived the entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil

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Procedure, and without admitting or denying the allegations of the Complaint except as to the jurisdiction of the Court, has consented in the Consent annexed hereto and incorporated herein to the entry of this Judgment of Permanent Injunction ("Judgment") against him, as requested in the Complaint, permanently restraining and enjoining him from engaging in acts and practices which constitute and will constitute violations of Sections 5(a), 5(c), and 17(a)(1), (2), or (3) of the Securities Act of 1933, as amended [15 U.S.C. §§ 77e(a), 77e(c), and 77(q)(a)(1), (2), and (3)], or violations of Section 10(b) of the Securities Exchange Act of 1934, as amended [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]. It appearing that the Court has jurisdiction over the Defendant and the subject matter and being fully advised in the premises and there being no just reason for delay:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant Healy and his officers, partners, agents, servants, employees and attorneys, and all persons acting in concert or participation with him, who receive actual notice of this Order by personal service or otherwise, and each of them, are permanently restrained and enjoined from, directly or indirectly:

- A. making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell the securities of any issuer, through the use or medium of

- any prospectus or otherwise, unless and until a registration statement is in effect as to such securities;
- B. carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, for the purpose of sale or for delivery after sale, the securities of any issuer, unless and until a registration statement is in effect as to such securities; and
- C. making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy, through the use or medium of any prospectus or otherwise, the securities of any issuer, unless and until a registration statement has been filed with the Commission as to such securities, or while a registration statement as to such securities is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act of 1933, as amended [15 U.S.C. § 77h]; in violation of Sections 5(a) or 5(c) of the Securities Act of 1933, as amended [15 U.S.C. §§ 77e(a) or 77e(c)]; provided, however, that nothing in Part I of this Order shall apply to any security or transaction which is exempt from the provisions of Section 5 of the Securities Act [15 U.S.C. § 77e].

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Healy and his respective officers, agents, servants, employees, and those persons in active concert or participation with him, who receive actual notice of the judgment by personal service or otherwise, are permanently restrained and enjoined from, directly or indirectly, by use of the mails or any means or instrumentality of interstate commerce, in connection with the purchase, offer or sale of securities of any issuer whatsoever, employing any device, scheme or artifice to defraud, making any untrue statement of material fact or omitting to state any material fact necessary in order to make the statement made, in light of the circumstances under which they were made, not misleading, obtaining money or property by means of any untrue statement of material fact or any omission to state any material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, or engaging in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person or other conduct of similar purport and object, in violation of Section 17(a)(1), (2), or (3) of the Securities Act of 1933 [15 U.S.C. § 77q(a)(1), (2), and (3)], or Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5].

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Healy disgorge all sums representing commissions received from the purchase

and sale of certain interests as described in the Commission's Complaint. Healy, having submitted to the Commission a Sworn Statement of Financial Condition and having provided sworn testimony concerning his financial condition in a deposition on September 21, 1998, the Court hereby orders payment by Healy of the sums representing commissions. Payment of the disgorgement by Healy awarded in this Judgment is, however, waived, contingent on the truthfulness of the representations in Healy's Sworn Statement of Financial Condition and testimony regarding his present financial condition. Payment of any penalty that may have been imposed is also waived. The Commission may, at any time following entry of this Judgment, petition the Court for a hearing to reconsider Healy's inability to disgorge funds or the imposition of a penalty if the Commission obtains information from any source that Healy's Sworn Statement of Financial Condition and testimony regarding his financial condition, was inaccurate or incomplete in any material respect. In connection with any such petition, Healy will not contest the allegations set forth in the Complaint dated August 26, 1997, or the imposition of penalties or disgorgement, and the Court may consider all available remedies, including but not limited to, determining the appropriate amount of disgorgement, pre-judgment and post-judgment interest thereon, ordering the defendant to disgorge funds or assets, the imposition of penalties or sanctions for contempt of this Court's Judgment. Notwithstanding the foregoing, Healy shall have the right to present evidence regarding his ability to pay amounts of either

disgorgement or penalties and evidence regarding the amount of such disgorgement or penalties.

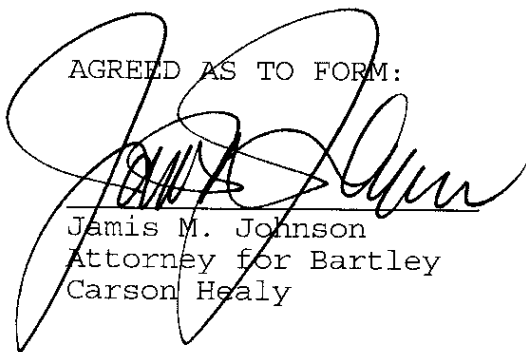
IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that this Court shall retain jurisdiction over this action for all other purposes.

DATED this 2d day of March, 199~~8~~⁹.


United States District Court Judge

AGREED AS TO FORM:


Jamis M. Johnson
Attorney for Bartley
Carson Healy

CONSENT TO ENTRY OF INJUNCTION

Defendant Bartley Carson Healy ("Healy"), having read and understood the terms of the Final Judgment of Permanent Injunction ("Final Judgment") set forth above, appears and admits to the in personam jurisdiction of this Court and to the jurisdiction of the Court over the subject matter of this action, waives a trial on the merits and waives the entry of Findings of Fact and Conclusions of Law pursuant to Rule 52 of the Federal Rules of Civil Procedure and consents, without admitting or denying the allegations contained in

the Complaint of plaintiff Securities and Exchange Commission ("Commission"), to the entry, without further notice, of the annexed Final Judgment.

1. Defendant Healy agrees that this Consent ("Consent") shall be incorporated by reference in and made part of the Final Judgment set forth above to be presented to the Court for signature, filing and entry contemporaneously herewith.

2. Defendant Healy waives any right he may have to appeal from the Final Judgment set forth above.

3. Defendant Healy enters into this Consent voluntarily and acknowledges that no tender, offer, promise or threat of any kind has been made by plaintiff Commission or any member, officer, agent or representative thereof, to induce him to enter into this Consent.

4. Healy acknowledges that he has been informed that plaintiff Commission, at its sole or exclusive discretion, may refer this matter, or any information or evidence gathered in connection therewith or derived therefrom, to any person or entity having appropriate civil, criminal or administrative jurisdiction. Healy also acknowledges that he has been informed that the settlement of the instant action is not a bar to any action brought by the Securities and Exchange Commission with respect to the acts and transactions of Healy not described in the Complaint. Specifically, without limitation, Healy acknowledges and agrees that settlement of the instant action shall not constitute a bar as to him or any other person to any action arising out of any other

pending or future Commission investigation or inquiry. Healy understands that nothing in this consent is a bar to or will estop any administrative proceeding brought by plaintiff based on either this injunction or on the matters alleged in the Complaint or any other matters. Healy also understands that plaintiff and its attorneys and agents has not made and cannot make representations as to other actions, if any, which may be taken by other agencies or departments of the United States government against him based on the facts alleged in the Complaint.

5. Defendant Healy agrees that he will make himself available for and respond to discovery to the same extent as if he were a party in any action brought by the Securities and Exchange Commission relating in whole or in part to the allegations set forth in the Complaint herein and further agrees to make himself available for testimony in a trial upon this matter at the request of the Commission.

6. Defendant Healy acknowledges that a wilful violation of any of the terms or provisions of the Final Judgment set forth above may place him in contempt of this Court and subject him to civil or criminal sanctions.

7. Defendant Healy further consents that this Court shall retain jurisdiction over this matter for all purposes.

8. Defendant Healy further acknowledges that this Consent embodies the entire understanding of the parties.

9. Consistent with the provisions of 17 C.F.R. § 202.5(f), Defendant Healy waives any claim of Double Jeopardy based upon the

settlement of this proceeding, including the imposition of any remedy or civil penalty herein.

10. Defendant Healy hereby consents and agrees that the Final Judgment set forth above may be presented by the Commission to the Court for signature and entry without further notice or delay.

11. Healy acknowledges and consents that the Commission may, at any time following entry of this Judgment, petition the Court for a hearing to reconsider his inability to disgorge funds or the imposition of a penalty if the Commission obtains information from any source that his Statement of Financial Condition, regarding his financial condition, was inaccurate or incomplete in any material respect. In connection with any such petition, Healy will not contest the allegations set forth in the Complaint dated August 26, 1997, or the imposition of penalties or disgorgement, and the Court may consider all available remedies, including but not limited to, determining the appropriate amount of disgorgement, ordering the defendant to disgorge funds or assets, the imposition of penalties or sanctions for contempt of this Court's Judgment. Notwithstanding the foregoing, Healy shall have the right to present evidence regarding his ability to pay amounts of either disgorgement or penalties and evidence regarding the amount of such disgorgement or penalties.

12. Defendant Healy agrees to execute an "Affidavit of Receipt of Final Judgment" acknowledging notice of entry, service and receipt of a copy of the Final Judgment following entry by the

Clerk of the Court. Such affidavit will be executed and furnished to counsel for plaintiff within twenty-one days of the entry of the Final Judgment by the Clerk.

13. Healy understands and agrees to comply with the SEC's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings" (17 C.F.R. §202.5(e)). In compliance with this policy, Healy agrees: (i) not to take any action or to make or permit to be made any public statement denying, directly or indirectly, any allegation in the Complaint or creating the impression that the Complaint is without factual basis; and (ii) that upon the filing of this Consent, Healy hereby withdraws any papers filed in this action to the extent that they deny any allegation in the Complaint. If Healy breaches this agreement, the SEC may petition the Court to vacate

the Final Judgment and restore this case to its active docket. Nothing in this provision affects Healy's testimonial obligations or right to take legal positions in litigation in which the SEC is not a party.

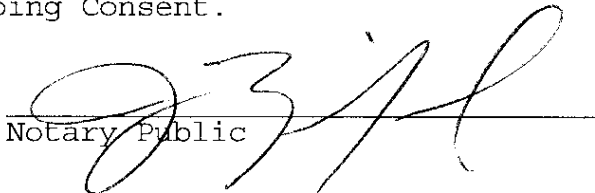
14. Healy hereby consents and agrees that the Final Judgment set forth above may be presented by the Commission to the Court for signature and entry without further notice or delay.

Dated: 28 September, 1998


BARTLEY CARSON HEALY

STATE OF Arizona)
COUNTY OF Maricopa)

On this 28 day of September, 1998, before me personally appeared Bartley Carson Healy to me known to be the person who executed the foregoing Consent.


Notary Public



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United States District Court
for the
District of Utah
March 3, 1999

* * MAILING CERTIFICATE OF CLERK * *

Re: 2:97-cv-00659

True and correct copies of the attached were mailed by the clerk to the following:

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