

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

FILED
U.S. DISTRICT COURT

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SECURITIES AND EXCHANGE COMMISSION :

Case No. 2:99 CV 258G

DISTRICT OF UTAH

Plaintiff, :

FINAL JUDGMENT OF
PERMANENT
INJUNCTION AND OTHER
RELIEF AS TO RICHARD
AMES HIGGINS

BY: DEPUTY CLERK

vs. :

ANTHONY J. MARINO, GREGORY
JOHNSON, RICHARD AMES HIGGINS,
MOUSA INTERNATIONAL, AJM GLOBAL
and CONSORTIO INTRANACIONAL,

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 Richard Ames Higgins ("Higgins") 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 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 77q(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, ADJUSTED AND DECREED that Defendant Higgins is permanently restrained from, directly or indirectly, singly or in concert:

- 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 of 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 mans or instruments of transportation or *communication in interstate commerce or of the mails* to offer to sell or offer to buy, through the use of 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 1 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 Higgins is 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 Higgins disgorge \$367,458, plus prejudgment interest in the amount of \$27,690.69, representing the ill-gotten gains he has received in this matter as described in the Commission's Complaint. Higgins, having submitted to the Commission a Sworn Statement of Financial Condition representing his financial condition, the Court hereby orders (a) payment within 30 days by Higgins of the sum of \$171,368; (b) payment of all sums held in Account No. 33692, Euro Bank, located in Grand Cayman, Cayman Islands, upon distribution of those sums to defendant Higgins from Euro Bank. The payment of the disgorgement sums ordered herein shall be made to the State of Utah in partial satisfaction of restitution ordered in State of Utah v. Richard Ames Higgins, Fourth Judicial District Court, State of Utah, Case No. 991402886FS as set forth herein. Payment of the balance of the disgorgement by Higgins awarded in this Judgment is, however, waived, *contingent on the truthfulness of the material representations in his Sworn Statement of Financial Condition*. Payment of any penalties that may have been imposed is also waived. The Commission may, at any time following the entry of this Judgment, petition the Court for a hearing to reconsider the inability of Higgins to pay the balance of the disgorgement sums or the imposition of a penalty if the Commission obtains information from any source that the Sworn Statement of Financial Condition of Higgins was inaccurate or incomplete in any material respect. In connection with any such petition, Higgins will not contest the allegations set forth in the Complaint dated

April 20, 1999, or the imposition of penalties or disgorgement, and the Court may consider all available remedies, including but not limited to, ordering defendant to pay the balance of the disgorgement sum and the imposition of penalties or sanctions for contempt of this Court's Judgment. Notwithstanding the foregoing, Higgins 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 of penalties. Payment of the disgorgement shall be from the funds frozen by Order of this Court, and other funds, and shall be made payable to Adult Probation and Parole, State of Utah, within 30 days of the entry of this Judgment. Such payment shall be made by certified check, bank cashier's check or bank money order; made payable to Adult Probation and Parole, State of Utah; and a copy of which check or money order shall be sent to Kenneth D. Israel, District Administrator, 50 South Main, Suite 500, Salt Lake City, Utah 84144, together with a cover letter identifying Richard A. Higgins, the Case Number and the date of payment.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Consent of Higgins be, and the same hereby, incorporated herein with the same force and effect as if fully set forth herein.

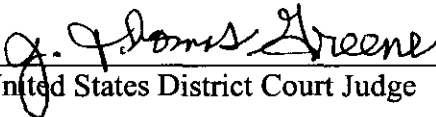
V.

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

VI.

There being no just reason for delay, the Clerk of the Court is hereby directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure to enter this judgment forthwith and without further notice, in the total amount of \$395,148.69.

DATED this 3rd, day of August, 2006.


United States District Court Judge

Presented by:

/s/

Thomas M. Melton
Securities and Exchange Commission

CONSENT TO ENTRY OF INJUNCTION

Defendant Richard Ames Higgins ("Higgins") 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 Higgins 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 Higgins waives any right he may have to appeal from the Final Judgment set forth above.
3. Defendant Higgins 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. Higgins 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. Higgins 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 Higgins not described in the Complaint. Specifically, without limitation, Higgins 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. Higgins 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. Higgins 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 Higgins acknowledges that a willful 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.

6. Defendant Higgins further consents that this Court shall retain jurisdiction over this matter for all purposes.

7. Defendant Higgins further acknowledges that this Consent embodies the entire understanding of the parties.

8. Consistent with the provisions of 17 C.F.R. § 202.5(f), Defendant Higgins waives any claim of Double Jeopardy based upon the settlement of this proceeding, including the imposition of any remedy or civil penalty herein.

9. Defendant Higgins 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.

10. Higgins 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 pay the balance of the disgorgement sums or the imposition of a penalty if the Commission obtains information from any source that its sworn Statement of Financial Condition was inaccurate or incomplete in any material respect. In connection with any such petition, Higgins will not contest the allegations set forth in the Complaint dated April 20, 1999, or the imposition of penalties or the \$367,458 disgorgement sum, and the Court may consider all available remedies, including but not limited to, ordering defendant to pay the balance of the disgorgement sum and the imposition of penalties or sanctions for contempt of this Court's Judgment. Notwithstanding the foregoing, Higgins 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.

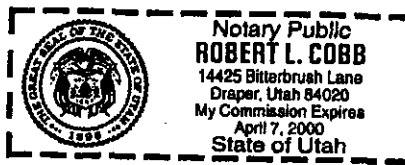
11. Defendant Higgins agrees to execute an "Affidavit of Receipt of Final Judgment" acknowledging notice of entry, service and receipt of a copy of the Final Judgment following entry by the Clerk of the Court. Such affidavit will be executed and furnished to counsel for plaintiff within twenty-one days of the entry of the Final Judgment by the Clerk.

12. Higgins understands and agrees to comply with the Commission'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, Higgins agrees 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. If Higgins breaches this agreement, the Commission may petition the Court to vacate the Final Judgment and restore this case to its active docket. Nothing in this provision affects Higgins's testimonial obligations or right to take legal positions in litigation in which the Commission is not a party.

Dated: April 3, 2000


Richard Ames Higgins



STATE OF)
COUNTY OF)

On this 3rd day of April, 2000, before me personally appeared Richard Ames Higgins to me known to be the person who executed the foregoing Consent.


Notary Public