

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

v.

INTERNET TELECOMMUNICATIONS ALBANY
SYSTEM SMR, et al,

Defendants.

C.A. No.: 1:99CV00539
(CKK)

**FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AS
TO DEFENDANT JOHN C. TRIMPIN**

Plaintiff Securities and Exchange Commission ("Commission") having filed a Complaint and Defendant John C. Trimpin ("Trimpin") in his Offer of Judgment, having entered a general appearance, having acknowledged receipt of the Complaint, having admitted the jurisdiction of the Court over him and the subject matter of this action, having withdrawn his previously filed answer to the Complaint, having waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, having admitted to the allegations of the Complaint, having consented to the entry of this FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AS TO DEFENDANT JOHN C. TRIMPIN ("Final Judgment"); and it appearing that this Court has jurisdiction over Trimpin and the subject matter hereof, and the Court being fully advised in the premises:

United States District Court
For the District of Columbia

A TRUE COPY

NANCY MAYER WHITTINGTON, Clerk

By *Carlin P. Crane*
5/13/03 Deputy Clerk

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Trimpin, his agents, servants, employees, attorneys-in-fact, and all those persons in active concert and participation with them who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and they hereby are permanently restrained and enjoined from directly or indirectly, violating Sections 5(a) and (c) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. §§ 77e(a) and (c)] by:

- (1) making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell a security through the use or medium of any prospectus or otherwise, unless a registration statement is in effect as to such security; or
- (2) carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any security for the purpose of sale or for delivery after sale, unless a registration statement is in effect as to such security; and
- (3) 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 any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or a stop order or [prior to the effective date of

the registration statement] any public proceeding of examination under
Section 8 of the Securities Act [15 U.S.C. § 77h].

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Trimpin, his agents, servants, employees, attorneys-in-fact and all those persons in active concert and participation with them who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and they hereby are permanently restrained and enjoined from violating Section 17(a) of the Securities Act [15 U.S.C. 77q(a)], directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange to:

- (1) employ any device, scheme, or artifice to defraud;
- (2) obtain money or property by means of any untrue statement of a material fact or any omission 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
- (3) engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a purchaser,

in connection with the offer or sale of any security.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Trimpin, his agents, servants, employees, attorneys-in-fact and all those persons in active concert and participation with them who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and they 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 promulgated thereunder [17 C.F.R. §240.10b-5] by, directly or indirectly, through the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange:

- (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 transaction, act, practice, or course of business which operates or would operate as a fraud or deceit upon any person,

in connection with the purchase or sale of any security.

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Trimpin shall, jointly and severally, with Defendants Charles D. King, Michael E. Murray, Ronald L. Tobin and California Financial Services, Inc. in this action against whom separate judgments have been entered, pay disgorgement of the sum of

\$266,800, received by him as a result of his unlawful conduct described in the Complaint herein, plus prejudgment interest in the amount of \$155,876, for a total of \$422,676.

Within thirty days of entry of this Final Judgment, Defendant Trimpin shall pay to the registry of this Court by cashier's or certified check drawn to the order of "Clerk, United States District Court, D.D.C." the full amount of disgorgement and prejudgment interest specified above, and postjudgment interest calculated pursuant to 28 U.S.C. §1961.

Payment should be accompanied by a cover letter identifying Defendant Trimpin, the caption and case number of this action, and the Commission's internal file number (HO-3096). Copies of such check and accompanying cover letter shall be simultaneously sent to John P. Sherry, Attorney, Mail Stop 0709, 450 Fifth Street, N.W., Securities and Exchange Commission, Washington, D.C. 20549. The Clerk shall deposit all funds received pursuant to this Final Judgment into the Registry of the Court in an interest-bearing account. At such time as such funds are paid to the Court, Defendant Trimpin shall relinquish all legal and equitable right, title and interest in those funds, and no part of such funds shall be returned to Defendant Trimpin or his successors or assigns. The Commission will thereafter submit for the Court's consideration a proposed order for disposition of such funds.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Trimpin pay a civil penalty of \$266,800, jointly and severally, with Defendants Charles D. King, Michael E. Murray, Ronald L. Tobin and California Financial Services, Inc. in this action against whom separate judgments have been entered, pursuant to Section 20(d) (2) of the Securities Act [15 U.S. §77t(d)(2)] and Section 21(d)(3) of the Exchange

Act [15 U.S.C. §78u(d)(3)], representing the gross pecuniary gain of Defendant Trimpin. Within thirty days of this Final Judgment, Defendant Trimpin shall pay the full amount of civil penalty specified above, by cashier's or certified check payable to the "Securities and Exchange Commission." Such payment shall be sent to the Office of the Secretary, Mail Stop 0609, 450 Fifth Street, N.W., Securities and Exchange Commission, Washington, D.C. 20549. At such time as such funds are paid to the Commission, Defendant Trimpin shall relinquish all legal and equitable right, title and interest in those funds, and no part of such funds shall be returned to Defendant Trimpin or his successors or assigns.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction of this action for all purposes, including the implementation and enforcement of this Final Judgment.

There being no 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 Final Judgment forthwith.


UNITED STATES DISTRICT JUDGE

Date: Aug. 4, 2000

CERTIFICATE OF SERVICE

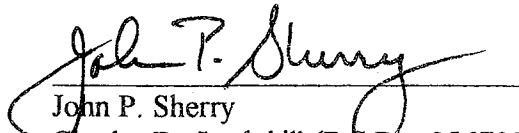
I hereby certify that copies of the foregoing Offer of Judgment of Defendant John C. Trimpin, the Commission's Acceptance of Offer of Judgment and the proposed Final Judgment of Permanent Injunction and Other Relief as to Defendant John C. Trimpin, were served this 1st day of August 2000, by first class mail, postage prepaid, upon the following:

Richard M. Hewitt, Esq.
Richard M. Hewitt, P.C.
104 Houston Street, Suite D
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(Attorney for defendants
Frederic A. Gladle, TrendsGroup
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John Larson and Commonwealth
Communications Group)

John C. Trimpin
5125 Chimineas Avenue
Tarzana, CA 91356
(and for defendant
Marjet Corp.)

Barry R. Wegman
5816 Entiwanda Avenue #7
Tarzana, CA 91356
(Registered Agent in
California for defendant
One Touch Marketing, Inc.)

Metropolitan Detention Center
Attn: John Larson, Inmate No. 14806-112
535 North Alameda Street
Los Angeles, CA 90012


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