

FILED
02 MAY 31 AM 10:21
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
AKRON

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff	:	
v.	:	Civil Action No.
	:	5:99 CV 822
CBT-OHIO, LTD.,	:	(Judge Polster)
ANDREW P. BODNAR,	:	
THOMAS E. BUCK, et al.	:	
Defendants	:	

**FINAL JUDGMENT AND ORDER AS TO
DEFENDANT THOMAS E. BUCK**

Plaintiff Securities and Exchange Commission ("Commission"), having requested this Court to issue this Final Judgment and Order ("Final Judgment") as to defendant Thomas E. Buck ("Buck"); and

It appearing to the Court that Buck, without admitting or denying the allegations in the Commission's Complaint, except for allegations that relate solely to charges that are not the subject of this Final Judgment, and except as to jurisdiction which he admits, has consented to the entry of this Final Judgment; and

It appearing that Buck has admitted the jurisdiction of the Court over him and over the subject matter of this action, and has acknowledged service of the Summons and Complaint; and

It further appearing that there is no just reason for delay and there is sufficient basis herein for the entry of this Final Judgment;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Defendant Buck, his officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, who receive actual notice of this Final Judgment by personal service or otherwise, are permanently restrained and enjoined from, in the offer or sale of any securities or any security-based swap agreement, using any means or instruments of transportation or communication in interstate commerce, or the mails, directly or indirectly, singly or in concert, to:

- (a) employ any device, scheme or artifice to defraud; or
- (b) to 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
- (c) to engage 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 of 1933 ("Securities Act"), 15 U.S.C. § 77q(a);

2. Defendant Buck, his officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, who receive actual notice of this Final Judgment by personal service or otherwise, are permanently restrained and enjoined from, directly or indirectly, singly or in concert, in connection with the purchase or sale of any security, using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, to:

- (a) employ any device, scheme or artifice to defraud; or

- (b) to make any untrue statement of a material fact or to omit 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
- (c) to engage 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 Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. 78j(b), and Rule 10b-5, 17 C.F.R. 240.10b-5 thereunder;

3. Defendant Buck, his officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, who receive actual notice of this Final Judgment by personal service or otherwise, are permanently enjoined from, directly or indirectly, singly or in concert:

(a) to use any means or instruments of transportation or communication in interstate commerce or of the mails to sell any security through the use or medium of any prospectus or otherwise, or to carry or cause 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 delivery after sale, unless and until a registration statement has been filed with the Commission and is in effect, or unless a valid exemption from registration is available; or

(b) to 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 and until a registration statement has been filed with the Commission with respect to such security or unless a valid exemption from registration is available,

in violation of Sections 5(a) and 5(c) of the Securities Act, 15 U.S.C. 77e(a) and 77e(c);

4. Based upon Buck's sworn representations in his Statement of Financial Condition dated December 11, 2001, the supplement thereto dated March 15, 2002, and other documents submitted to the Commission, payment of \$53,000 in disgorgement and all pre-judgment interest is waived, contingent upon the accuracy and completeness of his Statement of Financial Condition dated December 11, 2001 and the supplement thereto dated March 15, 2002.


5. Based upon Buck's sworn representations in his Statement of Financial Condition dated December 11, 2001, the supplement thereto dated March 15, 2002, and other documents submitted to the Commission, the Court is not ordering him to pay a civil penalty.

6. The determination not to impose a civil penalty and to waive payment of disgorgement and pre-judgment interest, is contingent upon the accuracy and completeness of Buck's Statement of Financial Condition and the supplement thereto dated March 15, 2002. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Buck's representations to the Commission concerning his assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to Buck, petition the Court for an order requiring Buck to pay the unpaid portion of the disgorgement, pre-judgment and post-judgment interest thereon, and the maximum civil penalty allowable under the law. In connection with any such petition, the only issue shall be whether the financial information provided by Buck was fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made. In its petition, the Commission may move this Court to consider all available remedies, including, but not

limited to, ordering Buck to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment. The Commission may also request additional discovery. Buck may not, by way of defense to such petition: (1) challenge the validity of this Consent or the Final Judgment; (2) contest the allegations in the Complaint filed by the Commission; (3) assert that payment of disgorgement, pre-judgment and post-judgment interest or a civil penalty should not be ordered; (4) contest the amount of disgorgement and pre-judgment and post-judgment interest; (5) contest the imposition of the maximum civil penalty allowable under the law; or (6) assert any defense to liability or remedy, including, but not limited to, any statute of limitations defense.

This Court shall retain jurisdiction of this action for the purpose of implementing and enforcing the terms and conditions of this Final Judgment.

5-31-02
Date



Hon. Dan A. Polster
United States District Judge