

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

CHARLES RICHARD HOMA; SUNSET FINANCIAL SERVICES, LLC, C4T MANAGEMENT, INC., T/P FUNDING SERVICES, INC., MICHAEL GAUSE BILL J. SHORT, II, JIMMY B. ROOF, ROBERT C. ELLENBURG, STEVEN SHANE NICHOLS, CHARLES EDWARD DICKERSON, PHILIP A. SHARPTON, BILCIN ENTERPRISES, INC., JIMMY B. ROOF, LLC, R. ELLENBURG, LLC, R & E ASSOCIATES LTD. D/B/A ROOF & ELLENBURG, LLC, SAFEHARBOR ADVISORS, INC., PAS, INC., PAS HOLDINGS, INC., VOLUNTEER ENTERPRISES, LTD., GULFCOAST HOLDINGS, LLC, R & E LTD. D/B/A JB ROOF & ASSOCIATES, LLC, J & R FINANCIAL SERVICES, LTD., J. ROOF & R. ELLENBURG, LLC, BELLWETHER HOLDINGS, LLC, SOUTHWESTERN HOLDINGS, LLC, and TITLE HOLDINGS, LLC,

Defendants.

Civil Action No.  
99 CV 6895  
Hon. Ronald A.  
Guzman

DOCKETED  
MAR 29 2000

**ORDER OF PERMANENT INJUNCTION AGAINST CHARLES RICHARD HOMA, C4T MANAGEMENT, INC., SUNSET FINANCIAL SERVICES, LLC AND T/P FUNDING SERVICES, INC.**

Plaintiff United States Securities and Exchange Commission ("Commission"), having filed a Complaint for Temporary Restraining Order, Preliminary and Permanent Injunction, and Other Equitable Relief ("Complaint"), and Defendants Charles Richard Homa ("Homa"),

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C4T Management, Inc. ("C4T"), Sunset Financial Services, LLC ("Sunset") and T/P Funding Services, Inc. ("T/P Funding") (collectively, the "Homa Defendants"), in their Consent and Stipulation filed with the Court and incorporated herein by reference ("Consent"), having acknowledged receipt of the Complaint and admitted the personal jurisdiction of this Court over them, and the Commission and the Homa Defendants having waived the entry of Findings of Fact and Conclusions of Law as provided by Rule 52 of the Federal Rules of Civil Procedure, and the Homa Defendants, without admitting or denying the allegations of the Complaint except as to jurisdiction, and without trial, argument, or adjudication of any issue of fact or law, having consented to the entry of this Order of Permanent Injunction, and the Court, being fully advised in the premises, hereby states:

**I.**

**IT IS HEREBY ORDERED** that Defendants Homa, C4T, Sunset and T/P Funding, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order of Permanent Injunction by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from, directly or indirectly, in the offer or sale of any securities, by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails:

- (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 the light of the circumstances under which they were made, not misleading; or

- (3) engaging in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon any purchasers or prospective purchasers of any security,

in violation of Sections 17(a)(1), 17(a)(2) or 17(a)(3) of the Securities Act of 1933 [15 U.S.C. §§77q(a)(1), (2) or (3)].

## II.

**IT IS FURTHER ORDERED** that Defendants Homa, C4T, Sunset and T/P Funding, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order of Permanent Injunction by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from, directly or indirectly, in connection with the purchase or sale of securities, by 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 the 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 Securities Exchange Act of 1934 [15 U.S.C. §78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. 240.10b-5].

**III.**

**IT IS FURTHER ORDERED** that the Court's (1) Order Preserving Funds and Other Assets and Identifying Assets dated October 15, 1999, (2) Order Prohibiting the Alteration and Destruction of Documents dated October 15, 1999, (3) Order to Financial Institutions Freezing Accounts of Defendants dated October 18, 1999, and (4) any ancillary relief ordered as part of Judge Edelstein's Temporary Restraining Orders dated October 15 and 18, 1999, are adopted by this Court and remain in full effect unless modified by this Court.

**IV.**

**IT IS FURTHER ORDERED** that Defendants Homa, C4T, Sunset and T/P Funding disgorge all ill-gotten gains received by them as a result of the conduct alleged in the Commission's Complaint, plus prejudgment interest on those amounts. This Court will set the specific amount of disgorgement, and will determine whether to impose civil penalties on Homa, C4T, Sunset and T/P Funding, and in what amount, in a separate hearing upon due notice and motion by the Commission. At that hearing, the issues will be limited to determining (i) the amount of disgorgement to be ordered and (ii) whether civil penalties should be imposed on Homa, C4T, Sunset and T/P Funding, and the amount of any such penalties. Homa, C4T, Sunset and T/P Funding will be precluded from arguing that they did not violate the federal securities laws in the manner set out in the Commission's Complaint.

**V.**

**IT IS FURTHER ORDERED** that the Commission is expressly authorized to engage in continued discovery regarding any unresolved issue in the case with respect to the Homa Defendants or any other defendant, which shall include, but not be limited to, discovery for purposes of determining the amount of ill-gotten gain and civil penalties, if any.

**VI.**


**IT IS FURTHER ORDERED** that the attached Consent and Stipulation of Homa, C4T, Sunset and T/P Funding be, and hereby is, incorporated herein with the same force and effect as if fully set out.

**VII.**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this action for all purposes, including enforcement of this Order of Permanent Injunction.

**VIII.**

**IT IS FURTHER ORDERED** that, there being no just reason for delay, the Clerk of the Court is hereby directed to enter this Order of Permanent Injunction.

  
**RONALD A. GUZMAN**  
**UNITED STATES DISTRICT JUDGE**

Dated: 3/13, 1999.