

FILED

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**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

RAMIRO M. FERNANDEZ-MORIS,
DANIEL S. LEZAK, and
RAMIRO RAFAEL ("RAY") FERNANDEZ,

Defendants.

01 Civ. 1985 (JR)

**FINAL JUDGMENT ORDERING AN AWARD OF
DISGORGEMENT, A CIVIL MONETARY PENALTY AND
PREJUDGMENT INTEREST AGAINST DANIEL S. LEZAK**

This matter having come before the Court on Plaintiff Securities and Exchange Commission's motion for disgorgement and a civil penalty against Defendant Daniel S. Lezak and after oral argument on the same:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Lezak is liable for disgorgement in the amount of \$661,000 (the disgorgement amount previously awarded by the Court in its Order, entered on September 1, 2004, granting the SEC's Motion for Partial Summary Judgment against Daniel S. Lezak (Dkt. Item No. 100)) representing profits gained as a result of the conduct alleged in the Amended Complaint and prejudgment interest in the amount of \$42,398 for a total of \$703,398. Defendant shall satisfy this obligation by paying \$703,398 within ten (10) business days to the Clerk of this Court, together with a cover letter identifying Daniel S. Lezak as a defendant in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this Final

Judgment. Defendant shall simultaneously transmit photocopies of such payment and letter to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds, and no part of the funds shall be returned to Defendant. The Clerk shall deposit the funds into an interest bearing account with the Court Registry Investment System ("CRIS"). These funds, together with any interest and income earned thereon (collectively, the "Fund"), shall be held by the CRIS until further order of the Court. In accordance with the guidelines set by the Director of the Administrative Office of the United States Courts, the Clerk is directed, without further order of this Court, to deduct from the income earned on the money in the Fund a fee equal to ten percent of the income earned on the Fund. Such fee shall not exceed that authorized by the Judicial Conference of the United States. The Commission may propose a plan to distribute the Fund subject to the Court's approval. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961; and

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Lezak shall pay a civil penalty in the amount of \$30,000 pursuant to Section 21(d) of the Securities Exchange Act of 1934. Defendant shall make this payment within ten (10) business days after entry of this Order by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Daniel S. Lezak as a defendant in this action; setting forth the title and civil action number of this

action and the name of this Court; and specifying that payment is made pursuant to this Final Judgment. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961; and

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms 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.

Dated: February 2, 2006


UNITED STATES DISTRICT JUDGE