

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BLUEFIELD

JAN 28 2003

CLERK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

LORENE ELLEN TURPIN and  
LORA K. MCKINNEY,

Defendants.

Civil Action No. 1:02-1247

**FINAL JUDGMENT OF PERMANENT INJUNCTION  
AS TO DEFENDANT LORA K. MCKINNEY**

Plaintiff Securities and Exchange Commission (the "Commission") having commenced this action by filing its Complaint (the "Complaint"), and defendant Lora K. McKinney ("McKinney"), in the attached Consent of Defendant Lora K. McKinney ("Consent"), having entered a general appearance, having admitted the jurisdiction of this Court over her and over the subject matter of this action, having waived the filing of an 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 waived any right she may have to appeal from the entry of this Final Judgment of Permanent Injunction and Other Relief as to Defendant Lora K. McKinney ("Final Judgment"), and without admitting or denying the allegations of the Complaint except as to jurisdiction, which she admits, having consented to the entry of this Final Judgment, and it further appearing that this Court has jurisdiction over McKinney and the subject matter of the action, and the Court being fully advised in the premises:

**I.**

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that defendant McKinney, her agents, servants, employees, attorneys-in-fact and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from violating:

(a) Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or any facility of a national securities exchange by:

- (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 statement 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 connection with the purchase or sale of any security; and

(b) directly or indirectly, violating Section 17(a) of the Securities Act of 1933 (the “Securities Act”) [15 U.S.C. §77q(a)] by, 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, directly or indirectly,

- (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 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) engaging in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon any purchaser.

## II.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that based upon McKinney's sworn representations in her Statement of Financial Condition dated February 28, 2002, and later certified on September 18, 2002, and submitted to the Commission, payment of any disgorgement and prejudgment interest thereon is hereby waived, and no penalty pursuant to Section 20(d) of the Securities Act [15 U.S.C. §77t(d)] and Section 21A of the Exchange Act [15 U.S.C. § 78u-1] is hereby imposed. However, if at any time following the entry of this Final Judgment the Commission obtains information indicating that McKinney's representations to the Commission concerning her 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 McKinney, petition this Court for an order requiring her to pay disgorgement, prejudgment and post-judgment interest thereon, and a civil penalty. In connection with any such petition, the only issues shall be whether the financial information provided by McKinney was fraudulent, misleading, inaccurate or incomplete in any material respect as of the time such representations were made, and the amount of civil penalty to be imposed. In its petition, the Commission may move this Court to consider all available remedies,

including, but not limited to, ordering McKinney to pay funds or assets, directing the forfeiture of any assets, or imposing sanctions for contempt of this Final Judgment, and the Commission may also request additional discovery. McKinney may not, by way of defense to such petition, challenge the validity of her Consent or the Final Judgment, contest the allegations in the Complaint filed by the Commission, contest the amount of disgorgement and interest, or assert that disgorgement or the payment of a civil penalty should not be ordered.

**III.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the annexed Consent be, and the same hereby is, incorporated herein by reference with the same force and effect as if fully set forth herein.


**IV.**

**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.

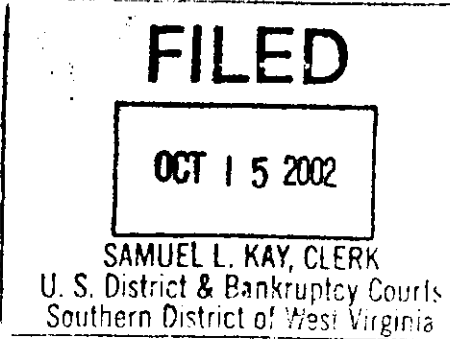
**V.**

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.

**SO ORDERED**, this 28<sup>th</sup> day of JANUARY, 2003.

  
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DAVID A. FABER  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
BLUEFIELD DIVISION



SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

LORENE ELLEN TURPIN and  
LORA K. MCKINNEY,

Defendants.

1:02-1247

**CONSENT AND UNDERTAKING OF  
DEFENDANT LORA K. MCKINNEY**

1. Defendant Lora K. McKinney ("McKinney") enters a general appearance, admits the jurisdiction of this Court over her and over the subject matter of this action, acknowledges service upon her of the Complaint (the "Complaint") of Plaintiff Securities and Exchange Commission (the "Commission") in this action, and waives the filing of an Answer.

2. Defendant McKinney, without admitting or denying the allegations of the Complaint, except as to jurisdiction, which she admits, consents to the entry of the Final Judgment Of Permanent Injunction As To Defendant Lora K. McKinney (the "Final Judgment") in the form annexed hereto and incorporated herein by reference, which permanently restrains and enjoins McKinney from violating Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. §77q(a)] and Section 10(b) of the

Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5].

3. Defendant McKinney understands that the Court is not ordering her to pay disgorgement and prejudgment interest, or a civil penalty pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21A of the Exchange Act [15 U.S.C. § 78u-1], based upon the accuracy and completeness of McKinney's sworn representations in her Statement of Financial Condition dated February 28, 2002, and later certified on September 18, 2002, and submitted to the Commission. If at any time following the entry of the Final Judgment the Commission obtains information indicating that McKinney's representations concerning her 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 McKinney, petition the Court for an order imposing disgorgement, prejudgment and post-judgment interest thereon, and a civil penalty. In connection with any such petition, the only issues shall be whether the financial information provided by McKinney was fraudulent, misleading, inaccurate or incomplete in any material respect as of the time such representations were made, and the amount of civil penalty to be imposed. The Court may consider all available remedies at that time, including, but not limited to, ordering McKinney to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment, and the Commission may also request additional discovery. Defendant McKinney may not, by way of defense to such petition, challenge the validity of this Consent or the Final Judgment, contest the

allegations in the Complaint, contest the amount of disgorgement and interest, or assert that disgorgement or the payment of a civil penalty should not be ordered.

4. Defendant McKinney waives the filing of an Answer to the Complaint and waives a hearing and the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure.

5. Defendant McKinney waives any right she may have to appeal from the entry of the Final Judgment.

6. Defendant McKinney enters into this Consent And Undertaking Of Defendant Lora K. McKinney (the "Consent") voluntarily and of her own accord and represents that no threats, offers, promises or inducements of any kind have been made by the Commission or any member, officer, employee, agent or representative of the Commission to induce her to enter into this Consent.

7. Defendant McKinney agrees that this Consent shall be incorporated into the Final Judgment with the same force and effect as if fully set forth therein.

8. Defendant McKinney agrees that she will not oppose the enforcement of the Final Judgment on the ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure, and she hereby waives any objection she may have based thereon.

9. Defendant McKinney agrees that the Final Judgment may be presented by the Commission to the Court for signature and entry without further notice.

10. Defendant McKinney waives service of the Final Judgment entered herein upon her and agrees that the Final Judgment by the Court and filing with the clerk in the

United States District Court for the Southern District of West Virginia will constitute notice to her of the terms and conditions of such Final Judgment.

11. Defendant McKinney acknowledges and agrees that this proceeding and her Consent are for the purposes of resolving this proceeding only, in conformity with the provisions of 17 C.F.R. 202.5(f), and do not resolve, affect, or preclude any other proceeding which may be brought against her. Consistent with the provisions of 17 C.F.R. 202.5(f), McKinney waives any claim of Double Jeopardy based upon the settlement of this proceeding, including the imposition of any remedy or civil penalty herein. McKinney acknowledges that the Court's entry of a permanent injunction may have collateral consequences under federal or state law and the rules and regulations of self-regulatory organizations, licensing boards, and other regulatory organizations. Such collateral consequences include, but are not limited to, a statutory disqualification with respect to membership or participation in, or association with a member of, a self-regulatory organization. This statutory disqualification has consequences that are separate from any sanction imposed in an administrative proceeding.

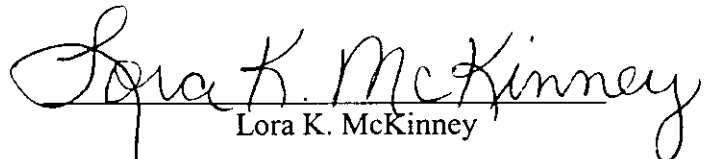
12. Defendant McKinney understands and agrees to comply with the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings" (17 C.F.R. § 202.5). In compliance with this policy, McKinney 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 McKinney breaches this agreement, the Commission may petition the Court to vacate the Final Judgment and restore this action to its active docket. Nothing



in this provision affects McKinney's: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation in which the Commission is not a party.

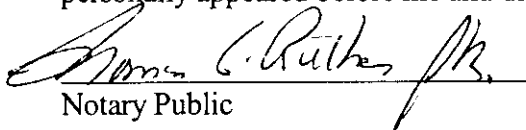
13. Defendant McKinney hereby waives any rights under the Equal Access to Justice Act, the Small Business Regulatory Enforcement Fairness Act of 1996 or any other provision of law to pursue reimbursement of attorney's fees or other fees, expenses or costs expended by McKinney to defend against this action. For these purposes, McKinney agrees that she is not the prevailing party in this action since the parties have reached a good faith settlement.

14. In connection with this action and any related judicial or administrative proceeding or investigation commenced by the SEC or to which the SEC is a party, Defendant McKinney (i) will produce documents and provide interviews at the request of the SEC staff; (ii) will accept service by mail of subpoenas for documents or testimony at depositions, hearings or trials; (iii) waives the territorial limits on service contained in Fed. R. Civ. P. 45 or applicable local rules for such subpoenas; and (iv) appoints Defendant's undersigned attorney as agent to receive such service.

  
Lora K. McKinney

Dated: 9-18-, 2002

On this 18<sup>th</sup> day of Sept, 2002, Lora K. McKinney being known to me and who executed the foregoing Consent And Undertaking Of Defendant Lora K. McKinney personally appeared before me and did duly acknowledge to me that she executed the same.

  
Notary Public

My COMMISSION expires Feb. 22, 2012

