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CLERK, U.S. DISTRICT COURT

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DISTRICT OF UTAH

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MAR 24 2004

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF UTAH

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

INTELLIQUIS INTERNATIONAL, INC.,
MARK W. TIPPETS, DAVID A. JONES,
AND KEVIN E. ORTON,

Defendants.

Civil No. 2:02 CV - 0674PGC

**FINAL JUDGMENT OF PERMANENT
INJUNCTION AND OTHER RELIEF
AGAINST DEFENDANT DAVID A.
JONES**

JUDGE PAUL G. CASSELL

Plaintiff, the Securities and Exchange Commission ("Commission"), has duly commenced this action by filing a Complaint for Permanent Injunction and Other Equitable Relief ("Complaint") in this matter. David A. Jones ("Jones" or "Defendant") has admitted the jurisdiction of this Court over him and the subject matter of this action, has waived a trial on the merits of the Complaint, has waived the entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure, and without admitting or denying the allegations of the Complaint except as to the jurisdiction of the Court, has consented in the Consent annexed hereto and incorporated herein to the entry of this Judgment of Permanent Injunction ("Judgment") against

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him, as requested in the Complaint, permanently restraining and enjoining him from engaging in acts and practices which constitute and will constitute violations of Section 17(a) of the Securities Act of 1933 [15 U.S.C. §77q(a)], Section 10(b) of the Securities Exchange Act of 1934, as amended [15 U.S.C. § 78j(b)] and Rules 10b-5 thereunder [17 C.F.R. § 240.10b-5], and Section 13(a) and 13(b)(2)(A) and (b) of the Exchange Act of 1934 [15 U.S.C. § 78m] and 13b2-1 thereunder [17 C.F.R. §§ 240.12b-20, 13a-1, and 13a-13]. It appearing that the Court has jurisdiction over Jones and the subject matter and being fully advised in the premises and there being no just reason for delay:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant Jones, and his agents, servants, employees and attorneys, and all persons acting in concert or participation with him, who receive actual notice of this order by personal service or otherwise, and each of them, are permanently restrained from, directly or indirectly, in the offer or sale of any security 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 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 the purchaser in violation of Section 17(a) of the Securities Act of 1933 [15 U.S.C. §77q(a)].

II.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant Jones, and his agents, servants, employees and attorneys, and all persons acting in concert or participation

with him, who receive actual notice of this order by personal service or otherwise, and each of them, are permanently restrained from, directly or indirectly, singly or in concert, in connection with the purchase or sale of any security, by use of the means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange:

- (A) employing any device, scheme, or artifice to defraud;
- (B) 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
- (C) 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 Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant Jones, and his agents, servants, employees and attorneys, and all persons acting in concert or participation with him, who receive actual notice of this order by personal service or otherwise, and each of them, are permanently restrained from, engaging in the transactions, acts, practices and courses of business, described in the Complaint, and from engaging in conduct of similar purport and object that would aid and abet violations of Section 13(a) and 13(b)(2)(A) and (B) of the Exchange Act [15 U.S.C. § 78m(a), (b)(2)(A) and (B)] and Rules 12b-20, 13a-1, and 13a-13 thereunder [17 C.F.R. §§ 240.12b-20, 13a-1, and 13a-13]

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Jones be barred for five years from serving as an officer or director of any issuer that has a class of securities registered

pursuant to Section 12 of the Securities Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Securities Exchange Act [15 U.S.C. § 78o(d)].

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based on Defendant Jones's sworn representations in his Statement of Financial Condition dated February 12, 2003, and other documents and testimony submitted to the Commission, the Court orders Jones to disgorge \$34,591.32 representing profits gained as a result of the conduct alleged in the Complaint together with \$5,088.56 in prejudgment interest thereon, but waives payment of that amount except for \$5,000.00. The Court is not ordering Jones pay a civil penalty. Jones shall satisfy this obligation by paying \$5,000.00 within ten business days to the Clerk of this Court, together with a cover letter identifying Jones 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. Jones shall simultaneously transmit photocopies of such payment and letter to the SEC's counsel in this action. By making this payment, Jones 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 of this Court, or the Financial Deputy Clerk, is hereby directed to deposit a check from any financial institution or brokerage firm into an interest bearing account (the "Account") related to this action with a federally insured depository institution. The Account shall be held by the federally insured depository institution until further order of this Court. Interest earned on the Account shall be credited to the Account and shall thereafter be held in the same manner as the principal. 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.

Jones further acknowledges that the Court's determination to waive payment of all but \$5,000.00 of the ordered disgorgement and not to impose a civil penalty is contingent upon the accuracy and completeness of Jones' Statement of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Defendant'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 Defendant, petition the Court for an order requiring Defendant 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 Defendant 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 Defendant 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. Defendant 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 a civil penalty should not be ordered; (4) contest the

imposition of the maximum civil penalty allowable under the law; or (5) assert any defense to liability or remedy, including, but not limited to, any statute of limitations defense.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Consent of Defendant Jones be, and the same hereby is, incorporated herein with the same force and effect as if fully set forth herein.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that this Court shall retain jurisdiction over this action for all other purposes.

VIII.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED there being no just 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 Judgment forthwith and without further notice.

DATED this 24th day of March, 2004.

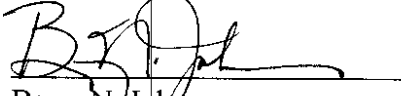


United States District Court Judge

Submitted by:


Thomas M. Melton
Karen L. Martinez
Attorneys for Plaintiff
Securities and Exchange Commission

AGREED AS TO FORM:


Barry N. Johnson
Bennett Tueller Johnson & Deere
Attorney for David A. Jones

CERTIFICATE OF SERVICE

I certify that on the 24th day of February, 2004, I caused a true and correct copies of Final Judgment of Permanent Injunction and Other Relief Against Defendant David

A. Jones to be served on defendants addressed to:

Barry Johnson, Esq.
Bennett, Tueller, Johnson & Deere
3865 South Wasatch Blvd.
Suite 300
Salt Lake City, UT 84109
Attorney for David A. Jones
Via United States Mail

James N. Barber, Esq.
Bank One Tower
50 West Broadway
Suite 100
Salt Lake City, UT
Attorney for Kevin E. Orton
Via Hand Delivery

Mark W. Tippetts
876 South 725 West
Orem, UT 84058
Via United States Mail



tsh

United States District Court
for the
District of Utah
March 25, 2004

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:02-cv-00674

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. James N. Barber, Esq.
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SALT LAKE CITY, UT 84101-2006
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