

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ROBERT G. COLE,

Defendant.

Case No. CIV-08-265-C

FINAL JUDGMENT AS TO DEFENDANT ROBERT G. COLE

The Securities and Exchange Commission having filed a Complaint and Defendant Robert G. Cole having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I. **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, 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], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

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

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$509,080, representing profits gained as a result of the conduct alleged in the complaint. Defendant's payment of disgorgement shall be deemed satisfied, on a dollar for dollar basis, by the amount of criminal forfeiture ordered by the Court in the pending criminal case before the United States District Court for the Northern District of Ohio, United States v. Robert G. Cole, 5:08-CR-327. If the Defendant is ordered to pay less than \$509,080 in criminal forfeiture, then Defendant shall pay the remaining disgorgement obligation (\$509,080 less the amount of criminal forfeiture ordered) within thirty (30) days of sentencing in the pending criminal case, by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. Payment of this disgorgement obligation 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 Robert G. Cole 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. A copy of this letter and payment shall also be delivered to or mailed to Christopher Swart, Securities and Exchange

Commission, 100 F Street NE, Mail Stop 6041, Washington, DC 20549. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

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 just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated this 19th day of November, 2008.


ROBIN J. CAUTHRON
United States District Judge