

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

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| SECURITIES AND EXCHANGE | § | |
| COMMISSION | § | |
| | § | |
| VS. | § | Civil No. 4:10-CV-711-Y |
| | § | |
| | § | |
| MICHAEL JOBE and | § | |
| RICHARD VLASICH | § | |

AGREED FINAL JUDGMENT AS TO DEFENDANT MICHAEL JOBE

The Securities and Exchange Commission ("the Commission") having filed a complaint; and defendant Michael Jobe ("Jobe" or "Defendant") having entered a general appearance, having consented to the Court's jurisdiction over Defendant and the subject matter of this action, having consented to entry of this final judgment without admitting or denying the allegations of the complaint (except as to jurisdiction), having waived findings of fact and conclusions of law, and having 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 HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$107,220, representing profits gained as a result of the conduct alleged in the complaint, together with prejudgment interest thereon in the amount of \$1,433.17. Based on Defendant's sworn representations in his Statement of Financial Condition dated July 1, 2010, and other documents and information submitted to the Commission, the Court orders Defendant to pay a civil penalty in the amount of only \$100,000 pursuant to Section 21A of the Exchange Act, 15 U.S.C. § 78u-1. Defendant shall satisfy this obligation by paying

\$208,653.17 by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission according the following schedule: \$141,000 within 10 days of the entry of the final judgment; \$16,913.30, plus post-judgment interest at the statutory rate pursuant to 28 U.S.C. § 1961, within three months of entry of the final judgment; \$16,913.29, plus post-judgment interest at the statutory rate pursuant to 28 U.S.C. § 1961, within six months of entry of the final judgment; \$16,913.29, plus post-judgment interest at the statutory rate pursuant to 28 U.S.C. § 1961, within nine months of entry of the final judgment, and \$16,913.29, plus post-judgment interest at the statutory rate pursuant to 28 U.S.C. § 1961, within twelve months of entry of the final judgment. The payments shall be made to the clerk of this Court, together with a cover letter identifying Michael Jobe 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. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

The Clerk shall deposit the funds into an interest-bearing account with the Court Registry Investment System ("CRIS") or any other type of interest-bearing account that is utilized by the Court. These funds, together with any interest and income earned thereon (collectively, "the Fund"), shall be held in the interest-bearing account until further order of the Court. In accordance with 28 U.S.C. § 1914 and 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 by motion propose a plan to distribute the Fund subject to the Court's approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. Regardless of whether any such Fair Fund distribution is made, amounts ordered to be paid as civil penalties pursuant to this judgment shall be treated as penalties paid to the

government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or reduction of any award of compensatory damages in any related investor action based on Defendant's payment of disgorgement in this action, argue that he is entitled to, nor shall he further benefit by, offset or reduction of such compensatory damages award by the amount of any part of Defendant's payment of a civil penalty in this action ("penalty offset"). If the court in any related investor action grants such a penalty offset, Defendant shall, within 30 days after entry of a final order granting the penalty offset, notify the Commission's counsel in this action and pay the amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission directs. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this judgment. For purposes of this paragraph, a "related investor action" means a private damages action brought against Defendant by or on behalf of one or more investors based on substantially the same facts as alleged in the Complaint in this action.

The determination to impose only a \$100,000 civil penalty is contingent upon the accuracy and completeness of Defendant's

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 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 court in failing to abide by 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 the consent or this final judgment; (2) contest the allegations in the complaint filed by the Commission; (3) assert that payment of disgorgement,

pre-judgment and post-judgment interest or a civil penalty should not be ordered; (4) contest the amount of disgorgement and pre-judgment and post-judgment interest; (5) contest the imposition of the maximum civil penalty allowable under the law; or (6) assert any defense to liability or remedy, including, but not limited to, any statute of limitations defense.

SIGNED September 27, 2010.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

Approved as to form:

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