

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:12-cv-61079-KMW

SECURITIES AND EXCHANGE COMMISSION,	)
	)
Plaintiff,	)
v.	)
	)
JOSEPH J. REPKO,	)
MICHAEL M. CIMINO, and	)
SURE TRACE SECURITY CORP.	)
	)
Defendants.	)
_____	)

**FINAL JUDGMENT AND ORDER GRANTING PLAINTIFF'S MOTION  
TO ENTER AN INJUNCTION AND SET A CIVIL PENALTY AGAINST  
DEFENDANT JOSEPH J. REPKO**

**THIS MATTER** is before the Court on Plaintiff Securities and Exchange Commission's Motion and Memorandum of Law For a Final Judgment Setting A Civil Penalty Amount And Entering An Injunction Against Joseph Repko. (D.E. 24).

This Court previously entered an Order and Judgment including a penny stock bar, civil penalty, and other relief against Repko. (D.E. 16). The Order provides the Court shall determine the amount of civil money penalty Repko shall pay, upon the Commission's motion, pursuant to Section 20(d) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. § 77t(d), and Section 21(d) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u(d). (*Id.*).

**UPON CONSIDERATION** of the Commission's Motion and being otherwise fully advised in the premises, it is **ORDERED AND ADJUDGED** that the Motion is **GRANTED**.

I.

**CIVIL PENALTY**

**IT IS FURTHER ORDERED AND ADJUDGED** that Repko is liable for a civil penalty in the amount of \$28,000 pursuant to Section 20(d) of the Securities Act and Section 21(d) of the Exchange Act. The total amount, \$28,000, shall be due and payable within ten days of entry of the Final Judgment.

Repko may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Repko may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to:

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Joseph J. Repko as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Repko shall simultaneously transmit photocopies of such payment and letter to Edward D. McCutcheon, Esq., U.S. Securities and Exchange Commission, 801 Brickell Avenue, Suite 1800, Miami, FL 33131. Repko shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

Repko shall not seek or accept, directly or indirectly, reimbursement or indemnification from any source, including but not limited to payment made pursuant to any insurance policy, with regard to any civil penalty amounts that Repko pays pursuant to the Final Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution fund or otherwise used for the benefit of investors. Repko further shall not claim, assert, or apply for a tax deduction or tax credit with regard to any federal, state, or local tax for any penalty amounts that Repko pays pursuant to the Final Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution fund or otherwise used for the benefit of investors.

**II.**

**PERMANENT INJUNCTION**

**SECTION 17(a)(1) OF THE SECURITIES ACT OF 1933**

**IT IS FURTHER ORDERED AND ADJUDGED** that Repko and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 17(a)(1) of the Securities Act, 15 U.S.C. § 77q(a)(1), by, in the offer or sale of any security, using any means or instruments of transportation or communication in interstate commerce or the mails, to employ any device, scheme, or artifice to defraud by, directly or indirectly, (i) creating a false appearance or otherwise deceiving any person, or (ii) disseminating false or misleading documents, materials, or information or making, either orally or in writing, any false or misleading statement in any communication with any investor or prospective investor, about:

- (A) any investment strategy or investment in securities,
- (B) the use of investor funds,
- (C) compensation to Defendant,
- (D) Defendant's qualifications to advise investors; or
- (E) the misappropriation of investor funds or investment proceeds.

**SECTION 10(b) OF THE SECURITIES EXCHANGE ACT OF 1934**

**IT IS FURTHER ORDERED AND ADJUDGED** that Repko and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Exchange Act Rule 10b-5(a), 17 C.F.R. § 240.10b-5(a), 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, to employ any device, scheme, or artifice to defraud by, directly or indirectly, (i) creating a false appearance or otherwise deceiving any person, or (ii) disseminating false or misleading documents, materials, or information or making, either orally or in writing, any false or misleading statement in any communication with any investor or prospective investor, about:

- (A) any investment strategy or investment in securities,
- (B) the use of investor funds,
- (C) compensation to Defendant,
- (D) Defendant's qualifications to advise investors; or
- (E) the misappropriation of investor funds or investment proceeds.

IV.

**RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED AND ADJUDGED** that this Court will retain jurisdiction over this matter and Repko in order to implement and carry out the terms of all Orders and Decrees that may be entered and/or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and will order other relief that this Court deems appropriate under the circumstances.

V.

**RULE 54(b) CERTIFICATION**

**IT IS FURTHER ORDERED AND ADJUDGED** that 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 Judgment forthwith and without further notice.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 27<sup>th</sup> day of November, 2012.

  
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**HON. KATHLEEN M. WILLIAMS**  
**UNITED STATES DISTRICT JUDGE**

Copies to counsel and parties of record