

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-80132-CIV-DIMITROULEAS

COMMODITY FUTURES TRADING
COMMISSION,

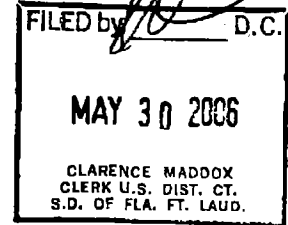
Magistrate Judge Johnson

Plaintiff,

vs.

GIBRALTAR MONETARY
CORPORATION, INC., et al.,

Defendants.



FINAL JUDGMENT

THIS CAUSE came on for a non-jury trial before the undersigned on August 30, August 31, September 1, September 2, September 6, September 7, September 8, September 9, and September 12, all in the year 2005. For the reasons expressed in this Court's Findings of Fact and Conclusions of Law, separately entered on this same date, it is **ORDERED AND ADJUDGED** as follows:

1. Judgment in the above-styled matter is hereby entered in favor of the Plaintiff the Commodity Futures Trading Commission ("CFTC") and against Defendants Jayson Kline, Charles Fremer, and Edward Johnson. Defendant Johnson has violated CEA Section 4c(b), 7 U.S.C. § 6c(b), and CFTC Regulations 17 C.F.R. §§ 32.9(a) & (c). Defendants Kline and Fremer have violated 7 U.S.C § 13c(b) and CFTC Regulation § 1.2. Defendant Kline has also violated Section 6(c), 7 U.S.C. § 9.

2. Judgment in the above-styled matter is hereby entered in favor of Defendant Forex

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Captial Markets, LLC and against the Plaintiff CFTC;

3. Defendants Kline, Fremer, and Johnson are thereby ordered to pay restitution to Gibraltar Monetary Corporation, Inc.'s customers. Defendants Kline, Fremer, and Johnson shall be jointly and severally liable for restitution in the amount of \$2,752,377.50. Restitution in favor of the following customers and against Defendants Kline, Fremer and Johnson shall be in the

following amounts:¹

- | | |
|---|------------------------------------|
| 1) Gilbert Abramson: \$10,000.00 | 27) Leonard Bienkowski: \$412.50 |
| 2) Jason/Jamee Adams: \$11,800.00 | 28) Thomas Bingham: \$9,940.00 |
| 3) Mike Adams: \$4,320.00 | 29) Herbert Blachly: \$4,967.50 |
| 4) Manjul Agarwal: \$9,887.50 | 30) Kpangbala Blamah: \$14,060.00 |
| 5) Mohammad Akhtar: \$9,677.50 | 31) George Bobolakis: \$4,520.00 |
| 6) Syed Ali: \$4,937.50 | 32) John Bolos: \$9,437.50 |
| 7) Abduladim Alshaik: \$19,460.00 | 33) Mark Boniface: \$4,937.50 |
| 8) John Anderson: \$7,452.50 | 34) Robert Bontke: \$24,920.00 |
| 9) Paul Anderson (Account No. 9907):
\$15,020.00 | 35) Johnny Booth: \$1,147.50 |
| 10) Paul Anderson (Account No. 10476):
\$21,120.00 | 36) Rosie Brady: \$4,920.00 |
| 11) Paul Anderson (Account No. 10684):
\$16,055.00 | 37) Douglas Brown: \$4,612.50 |
| 12) Rodrigo Andrade: \$7,170.00 | 38) James Bryant: \$4,575.00 |
| 13) Michael Andre: \$4,790.00 | 39) Jacek Bula: \$4,905.00 |
| 14) John Ankerman: \$4,365.00 | 40) David Cahill: \$3,912.50 |
| 15) Steven Arvizu: \$8,875.00 | 41) Scott Cain: \$54,765.00 |
| 16) Farah Ayob: \$7,620.00 | 42) John Carty: 19,530.00 |
| 17) Jide Azinge: \$9,987.50 | 43) Lawrence Carty: 5,875.00 |
| 18) Harold Bailey: \$191,927.50 | 44) Alan/Julie Castro: \$14,085.00 |
| 19) Wojciech Bajsarowicz: \$4,050.00 | 45) Alexei Chemiakine: \$4,750.00 |
| 20) Andrew Barfell: \$4,975.00 | 46) Chulwon Chulwon: \$11,960.00 |
| 21) Talal Barghouthi: \$5,000.00 | 47) Andrzej Ciesielski: \$5,900.00 |
| 22) John Bartkowski: \$4,375.00 | 48) Ken Cline: \$2,745.00 |
| 23) Sambit Barua: \$9,510.00 | 49) Jerry Colivas: \$4,990.00 |
| 24) William Beeler: \$97,300.00 | 50) Kathryn Couch: \$4,612.50 |
| 25) Marc Bellora: \$3,510.00 | 51) Charles Dady: \$27.50 |
| 26) David Bernacchi: \$4,625.00 | 52) Lester Dahlberg: \$19,240.00 |
| | 53) Wei Dai: \$14,955.00 |
| | 54) Richard Daniel: \$9,280.00 |
| | 55) Nancy Davis: \$4,877.50 |

¹ For the reasons expressed in the Court's Finding of Facts and Conclusions of Law the Court will not order restitution for Rick Winther.

- 56) Dallas Decarlo: \$4,290.00
- 57) Carla DePetris: \$5,800.00
- 58) Tarunkumar Desai: \$4,812.50
- 59) Tanya Deslover: \$4,937.50
- 60) Mark Dion: \$6,702.50
- 61) Helen Dixon: \$92,200.00
- 62) George Domme: \$37,960.00
- 63) Richard Donnelly: \$67,785.00
- 64) Berniece Edwards: \$4,990.00
- 65) Joseph Ertman: \$18,820.00
- 66) Frederick Falzarano: \$2,260.00
- 67) Marshall Feuer: \$3,875.00
- 68) Michael Flaherty: \$19,660.00
- 69) Steven Fleet: \$4,542.50
- 70) Christopher Flood: \$9,597.50
- 71) Hawley Forde: \$9,640.00
- 72) Jack Frank: \$9,362.50
- 73) Marion/Veronica Freckleton: \$4,062.50
- 74) Richard/Llana Freedman: \$4,875.00
- 75) Bruce Gakbraith: \$4,937.50
- 76) Samuel Galvan: \$7,295.00
- 77) Steven Gerlich: \$4,880.00
- 78) Kyle Gerstner: \$4,875.00
- 79) Brian Gillings: \$19,860.00
- 80) John Givens: \$7,380.00
- 81) David Goben: \$5,340.00
- 82) Thomas Goder: \$22,450.00
- 83) Patrick Golder: \$9,540.00
- 84) Eugenion Gonzalez: \$6,580.00
- 85) John Goracy: \$4,247.50
- 86) Scott Grady: \$4,750.00
- 87) Joel Granquist: \$6,500.00
- 88) Jose Gutierrez: \$4,937.50
- 89) Samuel Hahn: \$44,075.00
- 90) Lewis Hale: \$7,665.00
- 91) John Hancock: \$9,265.00
- 92) Sue Hansel: \$4,540.00
- 93) Harry Harcrow: \$9,940.00
- 94) Lee Harper: \$7,955.00
- 95) Bobby Harris: \$10,000.00
- 96) Phillip Hegedus: \$4,375.00
- 97) Iam/Penelope Henry: \$9,862.50
- 98) Helmut Hohenleitner: \$9,570.00
- 99) Arnold Holeman, Jr.: \$8,290.00
- 100) Tyrone Holloway: \$4,710.00
- 101) Robert Horan: \$2,042.50
- 102) Billy Hosford: \$8,737.50
- 103) David Hudson: \$9,850.00
- 104) Kevin Hughes: \$9,410.00
- 105) Ogonna Hymes: \$4,625.00
- 106) Vuemeli Iloka: \$17,720.00
- 107) Elizabeth Itta: \$2,390.00
- 108) David Jacobs: \$3,105.00
- 109) Pinches Jakobowitz: \$44,687.50
- 110) Paul/Annette Jensen: \$5,000.00
- 111) Gerald Johnson: \$5,925.00
- 112) Archie Joseph: \$4,687.50
- 113) Mark Juliusson: \$4,760.00
- 114) Brad Kaplan: \$9,400.00
- 115) Sanjith Karayl: \$150.00
- 116) Cathleen Key: \$7,627.50
- 117) Jong Kim: \$4,550.00
- 118) Randall Kobernat: \$4,187.50
- 119) Frederick Koehler: \$4,240.00
- 120) Kwang Koh: \$6,370.00
- 121) Michael Kollmann: \$7,400.00
- 122) Lillian/Albert Krauss: \$14,887.50
- 123) Leroy/Kathleen Lackey: \$9,595.00
- 124) Timothy Landers: \$4,955.00
- 125) Charlotte Lane: \$2,400.00
- 126) Raymond Lane: \$5,190.00
- 127) Gregory Lantz: \$4,425.00
- 128) Maxwell Le: \$2,205.00
- 129) Joseph/Adele Le Pera: \$4,812.50
- 130) Benjamin Leboeuf: \$49,535.00
- 131) Albert/Betty Lessard: \$4,360.00
- 132) Jerry Lewis: \$4,577.50
- 133) Arthur Libeck: \$4,950.00
- 134) Gerhard Liesche: \$4,640.00
- 135) Jonathan Long: \$19,952.50
- 136) Robert Macnab: \$4,625.00
- 137) Ben Mahabir: \$24,860.00
- 138) Raphael Manuel: \$9,800.00
- 139) Charles Martin: \$4,800.00
- 140) William Martin: \$4,040.00

- 141) Esther Martinez: \$4,562.50
142) Michael Martino: \$4,500.00
143) Donald Materi: \$4,875.00
144) Phillip McClellon: \$5,992.50
145) William McCluen: \$8,700.00
146) Lael McCormick: \$4,110.00
147) Chad/Brook McDonald: \$4,860.00
148) David McDowell: \$4,800.00
149) Yeshwant Mehta: \$4,247.50
150) Raj Menon: \$9,625.00
151) Rita/Thomas Merryman: \$4,962.50
152) John Michelsen: \$1,142.00
153) James Miller: \$4,812.50
154) Ervin Mitchem: \$9,425.00
155) Michael Mieczko: \$2,515.00
156) Katsuko Morigiwa: \$6,690.00
157) John Nahas: \$4,750.00
158) Anthony/Diane Nickelitti: \$9,940.00
159) Sorin Nicolescu: \$18,750.00
160) Paul Nonnamaker: \$4,320.00
161) Knut Nordby: \$4,600.00
162) Paul Nordin: \$4,500.00
163) Steven Normandin: \$2,665.00
164) Bennie Norton: \$4,410.00
165) Sandra Obert: \$7,190.00
166) Michael O'Keefe: \$3,890.00
167) Slobodan Oracev: \$3,777.50
168) Clayton Osbon: \$3,960.00
169) Steven Osso: \$9,875.00
170) Paul/Deborah Otto: \$4,287.50
171) Odnial Pagan: \$9,410.00
172) Charles Parraga: \$9,685.00
173) Shawn Patridge: \$5,330.00
174) Curtis/Carla Peverini: \$4,585.00
175) Scott Pfeiffer: \$4,720.00
176) Norris Phifer: \$92,045.00
177) Babara/Bryon Phillips: \$3,662.50
178) Denton Phillips: \$1,780.00
179) Janet Phillips: \$9,612.50
180) Sharel Pizzolato: \$25,340.00
181) Dana Poulin: \$4,665.00
182) Richard/Katherine Power: \$17,930.00
183) Lowell Presson: \$2,655.00
184) William Pruden: \$9,100.00
185) Gregory Rachunok: \$18,840.00
186) Mario Ramirez: \$4,250.00
187) James Rands: \$4,625.00
188) Kenneth Rehman: \$5,287.50
189) Mark/Jacqueline Reigle: \$4,680.00
190) Frederick Reynolds: \$9,875.00
191) Gregory Rice: \$4,225.00
192) Joe/Sandra Roberts: \$4,995.00
193) Eugene Robinson: \$18,772.50
194) Daniel Roder: \$29,747.50
195) Andrew Rukstelis: \$4,910.00
196) Michael Rupprecht: \$9,367.50
197) Ramakrishnan Sabapathy: \$4,760.00
198) Robert Sabella: \$8,675.00
199) Louis Schenck: \$4,512.50
200) Robert/Jacoba Schneider: \$9,215.00
201) Richard Schuley: \$10,000.00
202) Nathan Seppala: \$3,960.00
203) Bibi Shariff: \$4,500.00
204) Pete Shee: \$4,930.00
205) Peter Shepard: \$4,927.50
206) Mihail Sigalas: \$7,560.00
207) Annette Smith: \$4,790.00
208) Maurice Smith: \$4,937.50
209) Stephen Smith: \$4,720.00
210) Donald Snably: \$6,400.00
211) Robert Sobocinski: \$4,552.50
212) Mitchel Songailo: \$5,200.00
213) Natalie Soo: \$4,562.50
214) Todd Spaulding: \$6,470.00
215) Robert Stefaniak: \$4,680.00
216) John Stephenson: \$9,670.00
217) Sterling International LLC: \$5,597.50
218) Phillip Stern: \$4,750.00
219) Rickey Stevens: \$4,245.00
220) Joseph Stevenson: \$4,750.00
221) David Stewart: \$5,900.00
222) Hongwu Su: \$2,877.50
223) John Summer: \$8,227.50
224) Stanley Suttles: \$4,635.00

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|--|------------------------------------|
| 225) Thomas Thee: \$5,637.50 | 240) Georgette Ward: \$3,987.50 |
| 226) Chaiporn Tiancharoen: \$3,490.00 | 241) Lenthal Warren: \$33,915.00 |
| 227) Charlotte Timmons: \$4,687.50 | 242) Leonard Weber: \$4,895.00 |
| 228) Richard Tober: \$14,792.50 | 243) Melvin Winschrott: \$4,800.00 |
| 229) Matthew Tomsic: \$4,737.50 | 244) Kurtis Welton: \$5,120.00 |
| 230) Mark Trotter: \$4,875.00 | 245) Vivienne White: \$4,950.00 |
| 231) Emmanuel Udeh: \$3,810.00 | 246) Joseph Wilkey: \$4,740.00 |
| 232) Damian Van Der Putten: \$5,850.00 | 247) Garth Williams: \$4,937.50 |
| 233) Roslyn Van Pelt: \$2,557.50 | 248) Herbert Williams: \$50,475.00 |
| 234) Mark Vergari: \$10,625.00 | 249) William William: \$15,915.00 |
| 235) Lir Vesho: \$8,600.00 | 250) Cary Wilson: \$4,875.00 |
| 236) George Veto: \$4,812.50 | 251) Gloria Womack: \$3,857.50 |
| 237) Petr Viskup: \$1,580.00 | 252) Phillip Wykle: \$3,477.50 |
| 238) Robert Wainio: \$28,125.00 | 253) Ulrich Zender: \$39,800.00 |
| 239) Shane Walden: \$50,985.00 | |

4. A civil penalty in favor of Plaintiff CFTC and against Defendant Kline is hereby entered in the amount of \$240,000.00;

5. A civil penalty in favor of Plaintiff CFTC and against Defendant Fremer is hereby entered in the amount of \$352,011.00;

6. A civil penalty in favor of Plaintiff CFTC and against Defendant Johnson is hereby entered in the amount of 191,367.00;

7. This judgment shall bear interest at the rate of 4.98% per annum from the date of this Final Judgment, for which let execution issue;

8. A permanent injunction is hereby issued against Defendants Kline, Fremer and Johnson and all persons insofar as they are acting in the capacity of their agents, servants, employees, successors, assigns, and attorneys and all persons insofar as they are acting in active concert or participation with them who receive actual notice of this order by personal service or otherwise, for directly or indirectly

a) Cheating or defrauding or attempting to cheat or defraud any other person, or

deceiving or attempting to deceive any other person by any means whatsoever in connection with an offer to enter into, the entry of or confirmation of the execution of, any commodity option contract, in violation of Section 4c(B) of the CEA and CFTC Regulation 32.9(a) & (c);

b) Controlling any person who has violated the above Sections of the CEA of CFTC Regulations, pursuant to Section 13(b) of the CEA, 7 U.S.C. § 13c(b);

c) Acting as a principal of any agent who has violated the above Sections of the CEA or Regulations, pursuant to Section 2(c)(1)(B) of the Act, 7 U.S.C. § 2(a)(1)(B) and CFTC Regulation 1.2, 17 C.F.R. § 1.2;

d) Controlling any person who is engaged in the solicitation and acceptance of funds in connection with the purchase or sale of any commodity futures or options contract, or any foreign currency futures contract or options on foreign currency futures contract;

e) Soliciting or accepting funds or property from any person in connection with the purchase or sale of any commodity futures or options contract, or any foreign currency futures contract or options on foreign currency futures contracts;

f) Engaging in, controlling, or directing the trading of any commodity futures or options accounts, on their own behalf or for or on behalf of any other person or entity, whether by power of attorney or otherwise or entering into any futures or options transactions for their own account or any account in which they have a direct or indirect interest or having any futures or options traded on their behalf;

g) Introducing customers to any other person engaged in the business of

commodity futures and options trading or options on foreign currency future contracts;

h) Issuing statements or reports to others concerning commodity futures or options trading or foreign currency futures contracts or options on foreign currency futures contracts;

i) Otherwise engaging in any business activities related to commodity futures or options trading or foreign currency futures contracts or options on foreign currency futures contracts; and

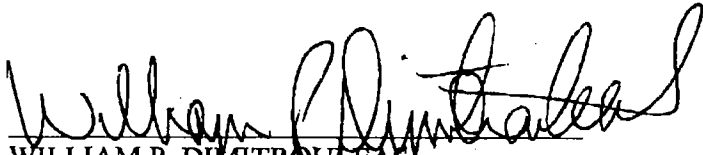
j) Applying for registration or claiming exemption from registration with the CFTC in any capacity, and engaging in any activity requiring such registration or exemption from registration, except as provided for in CFTC Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9), or acting as a principal, agent, officer or employee of any person registered, exempted from registration, or required to be registered with the CFTC unless such exemption if pursuant to CFTC Regulation 4.14(a)(9).

9. All pending motions in this case are **DENIED, as moot**;

10. The Clerk shall close this case.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this

30 day of May, 2006.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

Magistrate Judge Johnson
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Joanne O'Connor, Esq.

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United States District Court Southern District of Florida

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