

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
CIVIL DIVISION – 6TH

A. HEATH ABSHURE,
ARKANSAS SECURITIES COMMISSIONER
Plaintiff

V.

CASE NO. CV2008-512

FILED 09/11/2008 16:50:53
Pat O'Brien Pulaski County Clerk
DII

DENNIS VINCIGUERRA, et al.
Defendants

CONSENT ORDER

Default judgment having been granted and entered by this Court on February 12, 2008, a hearing in accordance with Ark. R. Civ. P. 55(b) to determine the amount of funds received by the Defendants and fix the amounts of disgorgement and fines was set for September 12, 2008. In lieu of the hearing, this Consent Order is entered pursuant to the Arkansas Securities Act (“Act”), Ark. Code Ann. §§ 23-42-101 through 23-42-509, and in accordance with an agreement between Arkansas Securities Commissioner A. Heath Abshure (“Commissioner” or “Plaintiff”) and Dennis Vinciguerra, D-Val, LLC, and D-Val Construction & Real Estate Investments (collectively, “Defendants”).

Defendants admit the jurisdiction of this Court, elect to permanently waive any right to a hearing and appellate review of this Consent Order (“Order”), and consent to the entry of this Order and agree to abide by its terms. In accordance with the parties’ agreement, this Court
HEREBY ORDERS:

1. Defendants are permanently enjoined from offering or selling any security in Arkansas until the security is properly registered or is offered or sold pursuant to an exemption from registration under the Arkansas Securities Act.
2. Defendants are permanently enjoined from acting as securities broker-dealers or

agents in Arkansas until the Defendants are properly registered under the Arkansas Securities Act or are acting pursuant to an exemption from registration under the Act.

3. Defendants are permanently enjoined from engaging in any fraudulent activity in connection with the offer or sale of any security in Arkansas.

4. The parties agree that it is appropriate and in the public interest to impose the following sanctions on Defendants, jointly and severally:

a. Within ninety days of the entry of this Order, pay disgorgement in the total amount of \$306,000 representing funds obtained to the Registry of the Pulaski County Circuit Court to be distributed according to the Disgorgement Settlement spreadsheet, which is attached hereto and incorporated into this Order. Such payment shall be: (A) made by United States postal money order, certified check, bank cashier's check or bank money order; (B) made payable to the Pulaski County Circuit Clerk; (C) hand-delivered or mailed to the Pulaski County Clerk's Office, P.O. Box 2659, 401 West Markham, Suite 100, Little Rock, Arkansas 72201-2659; and (D) submitted under cover letter that identifies the file number of these proceedings. A copy of the cover letter and money order or check shall be sent to A. Heath Abshire, Commissioner, Arkansas Securities Department, 201 East Markham, Suite 300, Little Rock, Arkansas 72201.


b. It is further ordered that Defendants shall, within 90 days of the entry of this Order, pay \$20,000 to the Investor Protection Trust. Such payment shall be: (A) made by United States postal money order, certified check, bank cashier's check or bank money order; (B) made payable to the Investor Protection Trust; (C) mailed to the Investor Protection Trust, Attention Don Bladin, IPT, Suite 300, 919 Eighteenth Street NW, Washington, DC 20006-5517; and (D) submitted under cover letter that identifies the file number of these proceedings and the Arkansas Securities Department as the beneficiary.

5. This Court shall retain jurisdiction of this action for all purposes, including for purposes of entertaining any suitable application or motion by the Commissioner for additional relief within the jurisdiction of this Court, including but not limited to the relief requested by the Commissioner in his complaint in this action.

6. It is further ordered that the Defendants shall, pursuant to Ark. Code Ann. § 16-66-221, file with the Pulaski County Circuit Clerk on or before forty-five days from the date of the entry of this Order a schedule, verified by affidavit, of all of their property, both real and personal, and shall specify the particular property which they claim as exempt under the provisions of the law.

7. It is further ordered that, there being no just reason for delay, the Clerk of this Court is ordered and directed to enter this Final Judgment pursuant to Ark. R. Civ. P. 54.

IT IS SO ORDERED.



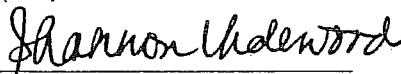
JUDGE TIMOTHY FOX

SEP 11 2008

Date

Prepared by:

Arkansas Securities Department
201 East Markham Street, Suite 300
Little Rock, Arkansas 72201
(501) 683-0806



Shannon Underwood
Staff Attorney

Approved as to form:

Bruce J. Bennett
P.O. Box 1530
1401 SW 14th Street, Suite 3
Bentonville, Arkansas 72712

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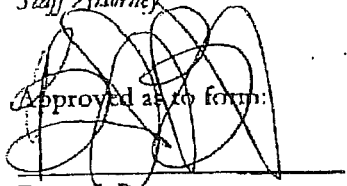
 JUDGE TIMOTHY FOX

 Date

Prepared by:

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 201 East Markham Street, Suite 300
 Little Rock, Arkansas 72201
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 Shannon Underwood
 Staff Attorney

Approved as to form:


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Disbursement Settlement

First Name	Last Name	Attorney/Guardian	Street Address	City	State	Zip	Amount of Loss
Thomas	Holliman	Ronald L. Boyer	221 North Third Street	Rogers	AR	72756	\$62,500.00
James	Walsh		1308 E. Central Avenue	Bentonville	AR	72712	\$15,000.00
Neal	Albright	Ann Paicullci	2880 North Centerwood Road	Fayetteville	AR	72703	\$53,000.00
Lewis	Gray		108 NE Lake Forest Lane	Bentonville	AR	72712-4909	\$49,000.00
Dave	Freeman		2670 North Candlewood Drive	Fayetteville	AR	72703-4784	\$128,500.00
Total Loss							\$306,000.00