



GRANTED

The moving party is hereby **ORDERED** to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

Christopher C. Cross
District Court Judge

DATE OF ORDER INDICATED ON ATTACHMENT

DISTRICT COURT, ARAPAHOE COUNTY,
COLORADO

7325 South Potomac Street
Centennial, Colorado 80112

STATE OF COLORADO, ex rel. JOHN W. SUTHERS,
ATTORNEY GENERAL,
Plaintiff,

v.

CORPORATE ACQUISITION GROUP, LLC, GLOBAL
ACQUISITIONS GROUP, LLC, TYRONE TYMKOVICH,
an individual, SAM LEVINE, an individual; Defendants.

JOHN W. SUTHERS, Attorney General
JAY B. SIMONSON
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Case No.: 09CV2796

Div: 202

CONSENT ORDER AND JUDGMENT ARISING FROM DEFENDANT TYRONE TYMKOVICH'S CONTEMPT OF THIS COURT'S FEBRUARY 18, 2010 ORDER

This matter is before the Court on the parties' Stipulation for Entry of a Consent Judgment resulting from Defendant Tyrone Tymkovich's admitted violations of, and contempt for, this Court's February 18, 2010 Order enjoining Defendant Tymkovich from certain deceptive and unlawful practices in the sale of his brokering services. The Court has reviewed the Stipulation and the file and is otherwise advised in the grounds therefore. The Court concludes that good cause has been shown for entering this Consent Order and Judgment and pursuant to C.R.C.P. 107 issues the following Judgment and Order.

Accordingly THE COURT FINDS that:

1. Defendant Tyrone Tymkovich has knowingly and intentionally violated this Court's February 18, 2010 Order requiring Defendant Tyrone Tymkovich, and those working for him, to make certain affirmative disclosures in any sale of brokering services. Defendant Tymkovich continued to solicit and to sell his brokerage services for HDI Consulting of Bridgewater, New Jersey, under the name "Adam Smith," without making the disclosures required by this Court's February 18, 2010 Order.

2. Pursuant to this Court's February 18, 2010 Order, all named Defendants, including Tyrone Tymkovich, and any other person under his control, were enjoined from further sale; or, in the alternative, was required to affirmatively disclose the following:

- A. Their lack of prior success in selling business;
- B. That the likelihood of Defendants selling a business is less than one out of a hundred based on past performance;
- C. The name of the buyer whenever representing that a buyer is interested in purchasing this particular business;
- D. That they do not guarantee a sale of the business;
- E. That they have only sold three of the seven hundred businesses with whom they have contracted to sell;
- F. That the company has generated more than \$2.8 million in revenue from monies collected for valuations, yet it has earned less than \$100,000 from actual sales of businesses; and
- G. The actual cost of the valuation (currently \$750).

3. Defendant Tyrone Tymkovich acted in contempt of this Court and in knowing violation of this Court's February 18, 2010 Order, in that he continued to sell his brokerage services and failed to make any of the disclosures required by this Court.

Accordingly THE COURT ORDERS that:

- 4. Defendant Tyrone Tymkovich pay to the State of Colorado Department of Law the sum of \$160,000 to be used for the benefit of consumers.
- 5. Defendant Tyrone Tymkovich be permanently enjoined from, directly or indirectly;
 - a) making any further sales of his brokerage service;
 - b) soliciting any further clients for brokering services or sale of property or business;
 - c) collecting any fees, costs, or up front pre-sale fees from existing clients; and
 - d) collecting any payments or fees except for any commission payment from the sale of a business by an existing client earned pursuant to any existing contracts.

6. This Consent Judgment only constitutes a settlement of the State's Motion for Contempt by Defendant Ty Tymkovich filed May 24, 2010. This Court retains jurisdiction against all claims made within the December 18, 2010 Complaint filed by the State. This Consent Decree does not limit in any way the relief sought by, and available to, the State within its Complaint or at the trial on this matter currently set for December 6, 2010. This judgment cannot be used by Defendants to offset any eventual judgment awarded the State at the December 6, 2010 (or future vacated trial dates).

7. Nothing herein precludes the State from enforcing the permanent injunction provisions of this Consent Judgment, or from pursuing any law enforcement action with respect to the acts or practices of Defendant not covered by its May 24, 2010 Motion for Contempt or any acts or practices of Defendant conducted after the effective date of this Consent Judgment.

8. Nothing herein shall be construed as waiver of any private rights, causes of action, or remedies of any person against Defendant with respect to the acts and practices covered by this Consent Judgment.

9. This Consent Judgment shall be a matter of public record.

10. This Consent Judgment may be executed in counterparts.

SO ORDERED and SIGNED this _____ day of _____, 2010.

BY THE COURT:

Honorable
Denver County District Court Judge

FOR THE DEFENDANT TYRONE
TYMKOVICH

FOR THE ATTORNEY GENERAL

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TYRONE TYMKOVICH
DEFENDANT

This document constitutes a ruling of the court and should be treated as such.

Court: CO Arapahoe County District Court 18th JD

Judge: Christopher Charles Cross

File & Serve

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Current Date: Aug 04, 2010

Case Number: 2009CV2796

Case Name: COLORADO ATTORNEY GENERAL vs. TYMKOVICH, TYRONE E. et al

/s/ **Judge Christopher Charles Cross**