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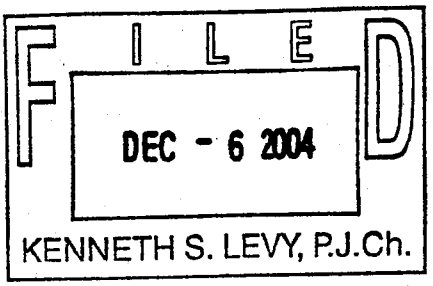

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - ESSEX COUNTY
DOCKET NO. ~~000004-04~~ C-40-04

PETER C. HARVEY ATTORNEY GENERAL OF NEW JERSEY, on behalf of FRANKLIN WIDMANN, CHIEF, NEW JERSEY BUREAU OF SECURITIES, Plaintiffs, v. GEORGE F. GAFFNEY, HURRICANE PRODUCTS, INC. (a Delaware Corporation), HURRICANE PRODUCTS, INC. (A New Jersey corporation,) and HURRICANE PROTECTION PRODUCTS, LLC (a New Jersey Limited Liability Company) Defendants.	**Civil Action** **FINAL JUDGMENT BY CONSENT**

This matter having been presented to the Court on the application of Plaintiffs, Franklin Widmann, Chief of the New Jersey Bureau of Securities ("Bureau Chief") and the New Jersey

Bureau of Securities ("Bureau") (collectively, "the Plaintiffs"), by way of their attorney, Peter C. Harvey, Attorney General of New Jersey, (Deputy Attorney General Anna M. Lascurain, appearing), hereby enter this Final Judgment by Consent with the following findings:

GENERAL FINDINGS

WHEREAS, the Bureau is the state agency with the responsibility to administer and enforce the New Jersey Uniform Securities Law (1977), N.J.S.A. 49:3-47 et seq.

WHEREAS, Plaintiffs, Bureau Chief and the Bureau having brought this civil action pursuant to the New Jersey Uniform Securities Law (1997), make the following findings of fact:

1. Defendant, George F. Gaffney ("Gaffney") is an individual whose dwelling or usual place of abode is 135 Royal Drive, Brick, New Jersey 08723.

2. Defendant, Hurricane Products, Inc. is a Delaware corporation whose principal place of business is 135 Royal Drive, Brick, New Jersey 08723.

3. Defendant, Hurricane Products, Inc., is a New Jersey corporation whose principal place of business is 135 Royal Drive, Brick, New Jersey 08723.

4. Defendant, Hurricane Protection Products LLC[1] was a limited liability corporation whose principal place of business is 135 Royal Drive, Brick, New Jersey 08723.

5. On October 13, 1998, Gaffney recorded a patent for product for use in protecting personal items during hurricanes. This product was called Hurricane Straps, patent number 5819477.

6. The product consisted of straps tied to anchors placed into the ground. Portable structures and large personal items such as cars and boats, would be strapped to the anchors so as to eliminate damage caused by high winds during storms.

7. Gaffney formed three companies, Hurricane Products, Inc., (Delaware), Hurricane Products, Inc., New Jersey (New Jersey), and Hurricane Protection Products, LLC (New Jersey corporation) ("Hurricane Defendants") in order to raise money and develop his product.

8. The Hurricane Defendants were companies under the exclusive ownership and control of Gaffney.

9. Gaffney enticed the public to purchase shares of the companies, the Hurricane Defendants, through written materials wherein he stated: "...Hurricane Straps Inc. is hereby offering shares of the company in blocks of 1000 shares. Each block being $1000.00 and/or $1.00 per share. If you choose to invest, within

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[1] Hurricane Products, Inc. was eventually liquidated and reformed as Hurricane Protection Products, LLC. (Stephen I. Meichert, letter of February 25, 2000 attached hereto as Exhibit A)

30 to 45 days after your investment, you will receive a package via U.S. Mail that will explain the details of the deal."

10. Gaffney represented that the public would be purchasing ownership interests in the Hurricane Defendant companies. In his letter of July 20, 1998, Gaffney stated: "...Hurricane Straps, Inc. is hereby offering shares of the company in blocks of 1000 shares. Each block being $1,000 and/or $1.00 per share. If you choose to invest, a company stock certificate will be issued to you in your name and sent to you."

11. At no time did Gaffney register with the Bureau or any securities regulators to sell securities in the State of New Jersey or any other state.

12. To better effectuate the sale of securities, Gaffney did not disclose, sufficiently disclose and or misstated information, specifically, he failed to disclose the fact that he was selling unregistered securities or that he was diverting the proceeds of any sales of securities to his own personal use.

13. Between approximately 1997 and 2001, Gaffney sold unregistered securities to more than 200 people for more than $673,000.

14. Investors of the Hurricane Defendant companies never saw a return on their investment.

15. As a result of Gaffney's activities, investors purchased unregistered securities from Gaffney, who converted a percentage of these funds for his own personal use.

16. Gaffney never disclosed that funds taken from investors were diverted for his personal use, and not for the development of his product.

17. As a direct result of Gaffney's activities, investors lost money which they believed was being used to develop a viable product. Instead a percentage of the funds were wrongfully converted to Gaffney's persoanl use.

18. As the creator and only individual with an active role in the operation of the Hurricane Defendants, Gaffney controlled each of those entities.

19. Gaffney at all relevant times represented the Hurricane Defendants in effecting or attempt to effect sales of securities to investors. In this capacity, Gaffney acted as an agent.

20. Gaffney, at all relevant times, sold securities to, from or within the State of New Jersey.

21. These securities were not registered with the Bureau and were not exempt from registration in violation of N.J.S.A. 49:3-60.

THE SCHEME AND ARTIFICE TO DEFRAUD INVESTORS

1. Gaffney received money from investors in response to the offers or sale of securities that Gaffney made to investors.

2. During the relevant time period, Gaffney did not have any significant source of income other than the proceeds from the sales of securities.

3. Those investors who purchased securities from Gaffney were unaware that their investments were not fully funding, developing and marketing the Hurricane Strap product.

4. Gaffney's material misstatements, false inducements, and personal use of investor money to fund his lifestyle are all part of an elaborate scheme to defraud investors in direct violation of N.J.S.A. 49:3-52(a).

5. Gaffney collected funds from investors by leading them to believe that funds collected were being used to develop his product.

6. Instead of using these funds for a legitimate purpose such as developing and marketing his product, Gaffney expended this money for his personal use including such things as day-to-day living expenses, automobiles, a boat and vacations.

9. At no time did Gaffney inform investors that their investments would be used for his personal living expenses.

10. Gaffney's failure to disclose to investors that the money was being diverted to his personal use constituted material omissions of fact, which is false and misleading.

11. Defendants have engaged in the acts and practices as described in the complaint. Such acts and practices constitute

violations of the Uniform Securities Law (1997) N.J.S.A. 49:3-47 et seq. specifically, violations of N.J.S.A. 49:3-60 (offering and selling unregistered securities); N.J.S.A. 49:3-56(a) (acting as an agent without registration); N.J.S.A. 49:3-52(b) (omitting facts necessary to make statements not misleading); N.J.S.A. 49:3-52(a) (employing a device, scheme or artifice to defraud); and N.J.S.A. 49:3-52(c) (engaging in an act, practice, or course of business which operates as a fraud or deceit upon any person).

12. Such acts violate the public interest, and that it is consistent with the policy and purpose of the New Jersey Uniform Securities Law (1977) to impose sanctions upon the defendants as specified by law;

THEREFORE, It is on this 6th day of December 2004

ORDERED that George F. Gaffney is by consent and without further hearing, barred from acting as an agent, broker dealer, or Investment Advisor as defined by N.J.S.A. 49:3-49 or from having any association with any broker-dealer or investment advisor in any trading, managerial, or supervisory capacity; Gaffney is hereby enjoined in the issuance, sale, offer for sale, purchase, offer to purchase, promotion, negotiation, advertisement, or distribution from or within this State of any securities by such persons and any agent, employee, broker, partner, officer, director, or stockholder and it is further;

ORDERED that Gaffney and the defendant companies disgorge all gains, profits, commissions, fees, and remuneration of any kind Defendants received in connection with the offer, sale, or purchase of securities as outlined in the Findings of this Consent Judgment;

ORDERED that Gaffney and the defendant companies make restitution to all persons affected by defendant's violations of the New Jersey Uniform Securities Law (1977), N.J.S.A. 49:3-47 et seq. and it is further

ORDERED Gaffney and defendants pay a civil monetary penalty in the amount of $100,000.00 (one hundred thousand dollars).

KENNETH S. LEVY, J.S.C.

CONSENTED AS TO FORM AND ENTRY:

12-2-04

Michael Handwerker, Esquire
Attorney for Defendant
George Gaffney

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY

By:
Anna M. Lascurain
Deputy Attorney General

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Michael Handwerker, Esquire
Attorney for Defendant
George Gaffney

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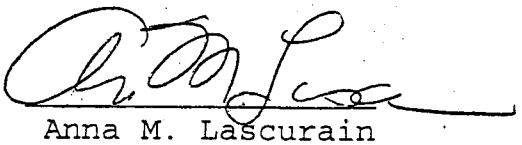
ATTORNEY GENERAL OF NEW JERSEY

12-6-04

By: 
Anna M. Lascurain
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