

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 13-22600-CIV-ALTONAGA/O'Sullivan

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CITY OF MIAMI and
MICHAEL BOUDREAUX,

Defendants.

_____ /

JURY VERDICT

Count I

Section 17(a)(1) as to City of Miami

Do you find from a preponderance of the evidence:

1. That the City of Miami used a device, scheme, or artifice to defraud in connection with the offer to sell or sale of any securities?

Yes X No _____

2. That the City of Miami acted "knowingly" or with "severe recklessness?"

Yes X No _____

Section 17(a)(1) as to Michael Boudreaux

Do you find from a preponderance of the evidence:

1. That Michael Boudreaux used a device, scheme, or artifice to defraud in connection with the offer to sell or sale of any securities?

Yes _____ No X

2. That Michael Boudreaux acted "knowingly" or with "severe recklessness?"

Yes X No _____

Count II
Section 17(a)(2) as to City of Miami

Do you find from a preponderance of the evidence:

1. That the City of Miami directly or indirectly made one or more misrepresentations of fact or omissions of fact necessary to make other statements that were made not misleading in connection with the offer to sell or sale of a security?

Yes X No _____

2. That the misrepresentation or omission was material?

Yes X No _____

3. That the City of Miami was negligent in making the representations or omission?

Yes X No _____

Section 17(a)(2) as to Michael Boudreaux

Do you find from a preponderance of the evidence:

1. That Michael Boudreaux directly or indirectly made one or more misrepresentations of fact or omissions of fact necessary to make other statements that were made not misleading in connection with the offer to sell or sale of a security?

Yes X No _____

2. That the misrepresentation or omission was material?

Yes X No _____

3. That Michael Boudreaux was negligent in making the representations or omission?

Yes X No _____

Section 17(a)(3) as to City of Miami

Do you find from a preponderance of the evidence:

1. That the City of Miami negligently engaged in a transaction, practice, or course of business, in connection with the offer to sell or sale of a security, that operated or would operate as a fraud or deceit upon a purchaser?

Yes X No _____

Section 17(a)(3) as to Michael Boudreaux

Do you find from a preponderance of the evidence:

1. That Michael Boudreaux negligently engaged in a transaction, practice, or course of business, in connection with the offer to sell or sale of a security, that operated or would operate as a fraud or deceit upon a purchaser?

Yes X No _____

Count III

Section 10(b) of the Exchange Act and Exchange Act Rules 10b-5(a)-(c)
10b-5(a) as to City of Miami

Do you find from a preponderance of the evidence:

1. That the City of Miami used a “device, scheme, or artifice to defraud” in connection with the purchase or sale of any securities?

Yes X No _____

2. That the City of Miami acted “knowingly or with severe recklessness?”

Yes X No _____

10b-5(a) as to Michael Boudreaux

Do you find from a preponderance of the evidence:

1. That Michael Boudreaux used a “device, scheme, or artifice to defraud” in connection with the purchase or sale of any securities?

Yes X No _____

2. That Michael Boudreaux acted “knowingly or with severe recklessness?”

Yes X No _____

10b-5(b) as to City of Miami

Do you find from a preponderance of the evidence:

1. That the City of Miami made a false representation of a material fact (or omitted a material fact) in connection with the purchase or sale of a security?

Yes X No _____

2. That the City of Miami acted “knowingly” or with “severe recklessness?”

Yes X No _____

10b-5(b) as to Michael Boudreaux

Do you find from a preponderance of the evidence:

1. That Michael Boudreaux made a false representation of a material fact (or omitted a material fact) in connection with the purchase or sale of a security?

Yes X No _____

2. That Michael Boudreaux acted “knowingly” or with “severe recklessness?”

Yes X No _____

10b-5(c) as to City of Miami

Do you find from a preponderance of the evidence:

1. That the City of Miami engaged in an act, practice, or course of dealing in connection with the purchase or sale of any securities that operated, or would operate, as a fraud or deceit on any person?

Yes X No _____

2. That the City of Miami acted “knowingly or with severe recklessness?”

Yes X No _____

10b-5(c) as to Michael Boudreaux

Do you find from a preponderance of the evidence:

1. That Michael Boudreaux engaged in an act, practice, or course of dealing in connection with the purchase or sale of any securities that operated, or would operate, as a fraud or deceit on any person?

Yes X No _____

2. That Michael Boudreaux acted “knowingly or with severe recklessness?”

Yes X No _____

Count IV

Aiding and Abetting Violations Under Section 10(b) and Rule 10b-5 of the Exchange Act

Do you find from a preponderance of the evidence:

1. That Michael Boudreaux was aware that he was part of an overall activity by the City of Miami that was improper?

Yes X No _____

2. That Michael Boudreaux knowingly and substantially assisted the City's violations of Section 10(b) and Rule 10b-5 of the Exchange Act?

Yes X No _____

Reliance On Auditors -- City of Miami

Do you find from a preponderance of the evidence:

1. That the City of Miami completely disclosed the facts about the conduct at issue to McGladrey & Pullen?

Yes _____ No X

2. That the City sought advice from McGladrey & Pullen as to whether the specific course of conduct was appropriate?

Yes _____ No X

3. That the City received advice from McGladrey & Pullen that the specific course of conduct was appropriate?

Yes _____ No X

4. That the City relied on and followed the advice in good faith?

Yes _____ No X

Reliance on Auditors – Michael Boudreaux

Do you find from a preponderance of the evidence:

1. That Michael Boudreaux completely disclosed the facts about the conduct at issue to McGladrey & Pullen?

Yes _____ No X

2. That Michael Boudreaux sought advice from McGladrey & Pullen as to whether the specific course of conduct was appropriate?

Yes _____ No X

3. That Michael Boudreaux received advice from McGladrey & Pullen that the specific course of conduct was appropriate?

Yes _____ No X

4. That Michael Boudreaux relied on and followed the advice in good faith?

Yes _____ No X

SO SAY WE ALL

Foreperson's signature: [Signature]

Date: 09/14/2016