

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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SECURITIES AND EXCHANGE COMMISSION,	:
	:
Plaintiff,	:
	:
v.	:
	:
	: Civil Action No.: _____ (___)
	:
ALBERT FASE KALETA and KALETA CAPITAL MANAGEMENT, INC.,	:
	:
Defendants,	:
and	:
	:
BUSINESSRADIO NETWORK, L.P. d/b/a BIZRADIO and DANIEL FRISHBERG FINANCIAL SERVICES, INC. d/b/a DFFS CAPITAL MANAGEMENT, INC.,	:
	:
Relief Defendants, Solely for the Purposes of Equitable Relief.	:
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**UNOPPOSED MOTION TO ENTER AGREED JUDGMENT
AS TO DEFENDANTS ALBERT FASE KALETA
AND KALETA CAPITAL MANAGEMENT, INC.**

Plaintiff Securities and Exchange Commission (“Commission”) submits this *Unopposed Motion to Enter Agreed Judgment as to Defendants Albert Fase Kaleta and Kaleta Capital Management, Inc.* and would respectfully show the Court as follows:

1. The Commission filed this civil action on November 13, 2009, seeking, among other things, a permanent injunction against Defendants Albert Fase Kaleta (“Kaleta”) and Kaleta Capital Management, Inc. (“KCM”) (collectively, “Defendants”) from violating Sections 17(a) of the Securities Act of 1933 (“Securities Act”) [15 U.S.C. § 77q(a)] and Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5

thereunder [17 C.F.R. § 240.10b-5] and, as to Defendant Kaleta only, Sections 206(1) and 206(2) of the Investment Advisers Act of 1940 (“Advisers Act”) [15 U.S.C. §§ 80b-6(1) and (2)].

2. Defendants, without admitting or denying the allegations in the Commission’s Complaint, have consented in writing to the entry of an agreed judgment as to the injunctive relief sought by the Commission. Defendants’ executed Consents (Exhibits A and B, hereto) and the form of the (proposed) unopposed agreed judgment against the Defendants are filed simultaneously with this motion.

3. The Commission’s claims for disgorgement and civil penalties remain unresolved. As set forth in paragraph 5 of the Consents and in Section IV of the (proposed) unopposed agreed final judgment, however, these claims may be finally adjudicated upon further motion by the Commission.

4. The Commission moves the Court to enter the (proposed) *Unopposed Agreed Judgment as to Defendants Albert Fase Kaleta and Kaleta Capital Management, Inc.* filed herewith. Counsel for the Commission has conferred with Defendants’ counsel and there is not opposition to this motion or to the entry of the relief requested.

Dated: November 13, 2009.

Respectfully submitted,

s/Timothy S. McCole
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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2009, I sent a copy of the foregoing document by Federal Express, mail or email to the following parties:

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s/Timothy S. McCole
Timothy S. McCole