

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933  
Release No. 10904 / December 15, 2020

SECURITIES EXCHANGE ACT OF 1934  
Release No. 90666 / December 15, 2020

INVESTMENT COMPANY ACT OF 1940  
Release No. 34140 / December 15, 2020

Admin. Proc. File No. 3-16318

In the Matter of  
  
ALEXANDRE S. CLUG,  
AURUM MINING, LLC,  
PANAM TERRA, INC., and  
THE CORSAIR GROUP, INC.

ORDER REQUESTING ADDITIONAL WRITTEN SUBMISSIONS

On November 9, 2020, the Commission issued an opinion and order finding that Alexandre S. Clug had violated, and aided, abetted, and caused violations of, antifraud, reporting, and registration provisions of the federal securities laws.<sup>1</sup> The Commission imposed various sanctions on Clug, including disgorgement plus interest and civil money penalties.

Clug now moves for reconsideration of the monetary sanctions imposed. According to Clug, he does not have the ability to pay them, and he asks that the Commission “reconsider its decision to not accord significant weight to” the ALJ’s finding of an inability to pay. Clug suggests that the Commission erred in finding that the ALJ did not have all information relevant to the issue because, he contends, “the same information that the Division [of Enforcement] pointed to in the appeal [to the Commission] was also raised to the ALJ” in early 2018.

Clug also asserts that, at the time the ALJ made his finding, Clug’s million plus shares in the company AVRA Medical Robotics, Inc., were untradeable and thus had no value. According to Clug, it is of no moment that the AVRA shares subsequently became tradeable when the proceeding was before the Commission in late 2018 because the shares still had no value to him.

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<sup>1</sup> *Alexandre S. Clug*, Exchange Act Release No. 90385, 2020 WL 6585907 (Nov. 9, 2020). The Commission also found violations by and imposed sanction against other respondents in the proceeding, but they have not sought reconsideration, and this order applies only to Clug.

He contends that “no brokerage house will allow [him or his wife] to deposit” the shares. He also contends that, even if he could deposit and trade the shares, there is a “limited trading volume and lack of a market for the shares of this startup company that was not generating any revenues” and that “has not reported a Form 10-K or 10-Q since 2019.” Clug states that, “[w]hile AVMR shares closed at \$0.36/share on the date the Commission issued its Opinion, the volume of trading was only 882 shares” and that “[m]ost days the volume is zero”; thus, “liquidating a large block of shares would require offering them at a price far below \$0.36 and take a long period of time.” Clug asserts that his “wife found an acquaintance willing to buy [all the shares] in a private transaction for \$10,000, which amount has not yet been completely paid.”

Clug contends that there are additional reasons “the Commission’s conclusion that [he has] assets to cover the amount of the award is not supported.” He contends that he was forced to resign a position he held with AVMR because of his “involvement in these proceedings,” that he subsequently has “not been able to obtain full time” employment, and that his current employment is limited to “consult[ing] for an acquaintance” for \$5,000 per month and that he has gone unpaid for several months. Clug also contends that he must “make monthly payments” on a “private loan” from a family member for a house he purchased in 2015, that the house has “negative equity,” and that he has “been renting it out to gain funds to make the monthly payments.”

Rule of Practice 470(b) provides that “[n]o response to a motion for reconsideration shall be filed unless requested by the Commission.”<sup>2</sup> Accordingly, IT IS ORDERED that the Division of Enforcement is requested to file a response to Clug’s motion for reconsideration.

The Division should address both the procedural and substantive issues raised by Clug’s motion,<sup>3</sup> including but not limited to:

- Clug’s contention that he cannot deposit the AVRA shares, that the shares do not have value for him because they have a limited trading volume and lack of a market, and that he has sold or is attempting to sell the shares to an acquaintance for \$10,000; and
- Clug’s contentions concerning his house, lack of full-time employment, and current compensation.

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<sup>2</sup> 17 C.F.R. § 201.470(b).

<sup>3</sup> See, e.g., *FCS Sec.*, Exchange Act Release No. 65267, 2011 WL 4448864, at \*1 (Sept. 6, 2011) (“Applicants may not use motions for reconsideration to reiterate arguments previously made or to cite authority previously available, nor may they advance arguments that they could have made previously but chose not to make. Absent extraordinary circumstances, a motion for reconsideration is not an appropriate vehicle for the submission of new evidence, and we will not accept such additional evidence unless the movant could not have known about or adduced the evidence before entry of the order subject to the motion for reconsideration.” (cleaned up)).

The Division shall file a brief not exceeding 7,000 words by January 15, 2021. Clug may file a reply not exceeding 7,000 words by February 16, 2021. No briefs in addition to those specified in this order may be filed without leave of the Commission.

The parties' attention is called to the Commission's March 18, 2020 order regarding the filing and service of papers and stating that pending further order of the Commission parties to the extent possible shall submit all filings electronically at [apfilings@sec.gov](mailto:apfilings@sec.gov).<sup>4</sup>

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman  
Secretary

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<sup>4</sup> See Pending Administrative Proceedings, Exchange Act Release No. 88415, <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>.