

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ENRIQUE “HENRY” P. FIALLO,

Defendant.

Civil No: 07-CV-0036

**FINAL JUDGMENT AS TO  
DEFENDANT ENRIQUE “HENRY” P. FIALLO**

The Securities and Exchange Commission having filed a Complaint and Defendant Enrique “Henry” P. Fiallo (“Fiallo” or “Defendant”) having entered a general appearance; consented to the Court’s jurisdiction over him and the subject matter of this action; consented to entry of a Final Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from the Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Fiallo is liable for disgorgement of \$22,909.37, representing profits gained as a result of the conduct alleged in the Complaint. Defendant shall satisfy this obligation by paying \$22,909.37 to the Securities and Exchange Commission pursuant to the terms of the payment schedule set forth in paragraph II below after entry of this Final Judgment.

Payment may be made directly from a bank account via Pay.gov through the SEC

website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Fiallo, as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

## II.

Fiallo shall pay the total of disgorgement due of \$22,909.37 in four installments to the Commission according to the following schedule: (1) \$5000 within 14 days of entry of this Final Judgment; (2) \$5970 on March 31, 2014 and (e) \$5970 on July 31, 2014 and \$5969.37 on October 31, 2014. (3). Payments shall be deemed made on the date they are received by the Commission and shall be applied first to any unpaid amounts due pursuant to this Section II. Prior to making the final payment set forth herein, Fiallo shall contact the staff of the Commission for the amount due for the final payment.

If Fiallo fails to make any payment by the date agreed and/or in the amount agreed according to the schedule set forth above, all outstanding payments under this Final Judgment, including post-judgment interest, minus any payments made, shall become due and payable immediately at the discretion of the staff of the Commission without further application to the Court.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that based on Defendant's cooperation in a Commission investigation and related enforcement action, the Court is not ordering Defendant to pay prejudgment interest. If at any time following the entry of the Final Judgment the Commission obtains information indicating that Defendant knowingly provided materially false or misleading information or materials to the Commission or in a related proceeding, the Commission may, at its sole discretion and without prior notice to the Defendant, petition the Court for an order requiring Defendant to pay prejudgment interest. In connection with any such petition and at any hearing held on such a motion: (a) Defendant will be precluded from arguing that he did not violate the federal securities laws as alleged in the Complaint; (b) Defendant may not challenge the validity of the Judgment or this Consent; (c) the allegations of the Complaint, solely for the purposes of such motion, shall be accepted as and deemed true by the Court; and (d) the Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. Under these circumstances, the parties may take discovery, including discovery from appropriate non-parties.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of Defendant Enrique “Henry” P. Fiallo is incorporated herein with the same force and effect as if fully set forth herein, and that Fiallo shall comply with all of the undertakings and agreements set forth therein.

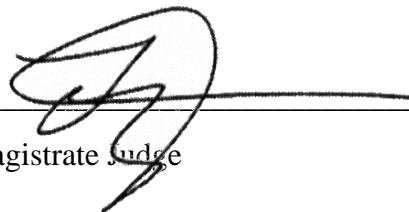
V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Order.

VI.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter a Judgment forthwith and without further notice.

Dated: October 23, 2013

  
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U.S. Magistrate Judge