

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

CASE NO.: 6:09-cv-1225-Dr1-28DAB

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ANTHONY PEREZ and  
IAN C. PEREZ,

Defendants.

**FINAL JUDGMENT AS TO DEFENDANT ANTHONY PEREZ**

The Securities and Exchange Commission having filed a Complaint, and Defendant Anthony Perez having: entered a general appearance; consented to the Court's jurisdiction over him and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to subject matter and personal jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

**PERMANENT INJUNCTION**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Perez and his agents, servants, employees, attorneys, and representatives, and all persons in active concert or participation with them, who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and

Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

## II.

### **DISGORGEMENT AND CIVIL PENALTY**

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Perez is jointly and severally liable for disgorgement in the amount of \$152,231.10, representing profits gained by one tippee as a result of the conduct alleged in the Complaint, together with prejudgment interest in the amount of \$761.16.

IT IS FURTHER ORDERED that Perez shall pay a civil penalty pursuant to Section 21A of the Exchange Act in the amount of \$25,000. Based on Perez's sworn representations in his Statement of Financial Condition dated November 28, 2008, and other documents and information submitted to the Commission, however, the Court is not ordering Perez to pay a civil penalty in an amount higher than \$25,000. The determination to impose a \$25,000 civil penalty is contingent upon the accuracy and completeness of Perez's Statement of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Perez's representations to the Commission concerning his assets, income,

liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to Perez, petition the Court for an order requiring Perez to pay the unpaid portion of the maximum civil penalty allowable under the law. In connection with any such petition, the only issue shall be whether the financial information provided by Perez was fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made. In its petition, the Commission may move this Court to consider all available remedies, including, but not limited to, ordering Perez to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment. The Commission may also request additional discovery. Perez may not, by way of defense to such petition: (1) challenge the validity of the Consent or this Final Judgment; (2) contest the allegations in the Complaint filed by the Commission; (3) assert that payment of a civil penalty should not be ordered; (4) contest the amount of post-judgment interest; (5) contest the imposition of the maximum civil penalty allowable under the law; or (6) assert any defense to liability or remedy, including, but not limited to, any statute of limitations defense.

Perez shall not seek or accept, directly or indirectly, reimbursement or indemnification from any source, including but not limited to payment made pursuant to any insurance policy, with regard to any civil penalty amount he pays pursuant to this Final Judgment, regardless of whether such penalty amounts or any party thereof are added to a distribution fund or otherwise used for the benefit of investors. Perez further shall not claim, assert, or apply for tax deduction or tax credit with regard to any federal, state, or local tax for any penalty amounts Perez pays pursuant to this Final Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution fund or otherwise used for the benefit of investors.

**III.**

**PAYMENT INSTRUCTIONS**

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Perez shall satisfy his obligation to pay a civil penalty by paying \$25,000 within ten (10) business days after entry of the Final Judgment by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. Perez's payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Perez as a defendant in this action, setting forth the title and civil action number of this action and the name of this Court, and specifying that payment is made pursuant to the Final Judgment. Perez shall send a copy of the letter and payment form to: Teresa J. Verges, Assistant Regional Director, U.S. Securities and Exchange Commission, Miami Regional Office, 801 Brickell Avenue, Suite 1800, Miami, Florida 33131. Perez shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

**IV.**

**INCORPORATION OF CONSENT**

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated into this Final Judgment with the same force and effect as if fully set forth herein, and that Perez shall comply with all of the undertakings and agreements set forth in the Consent.

V.

**RETENTION OF JURISDICTION**

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

DONE AND ORDERED in Chambers in Orlando, Florida, this 15 day of September, 2009.

  
UNITED STATES DISTRICT JUDGE

Copies to:

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