

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

CASE NO. 6:09-cv-1419-Orl-28GJK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

**DARREL WEST, and
OWN MY TRAVEL, LLC,**

Defendants,

PROFESSIONALLY ASSISTED MARKETING, INC.,

Relief Defendant.

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**ORDER GRANTING PLAINTIFF'S MOTIONS
FOR DISGORGEMENT AND TO SET CIVIL PENALTY
AMOUNT AS TO DEFENDANT DARREL WEST**

THIS MATTER is before the Court on Plaintiff Securities and Exchange Commission's Motion and Memorandum of Law to Set Disgorgement Amount as to Defendant Darrel West (D.E. 41) and Motion and Memorandum of Law to Set Civil Penalty as to Defendant Darrel West (D.E. 47).

This Court previously entered a Judgment of Permanent Injunction and Other Relief against West. (D.E. 30.) The Judgment of Permanent Injunction provides the Court shall determine the amounts of the disgorgement and prejudgment interest upon the Commission's motion pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)] . (D.E. 30 at 4.)

UPON CONSIDERATION of the Motions and being otherwise fully advised in the premises, it is **ORDERED AND ADJUDGED** that the Motions are **GRANTED**.

IT IS FURTHER ORDERED AND ADJUDGED that West is liable for disgorgement of \$606,413.31, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$42,148.81; and a civil penalty in the amount of \$606,413.31, pursuant to Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d) of the Exchange Act, 15 U.S.C. § 78u(d). The total amount, \$1,254,975.43, shall be due and payable within ten days of entry of the Final Judgment. Payment shall be made by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, 100 F Street, NE, Stop 6042, Washington DC 20549, and shall be accompanied by a letter identifying Darrel West 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. West shall simultaneously transmit photocopies of such payment and letter to James M. Carlson, Esq., Securities and Exchange Commission, 801 Brickell Avenue, Suite 1800, Miami, FL 33131. West shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

West 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 amounts that West pays pursuant to the 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. West further

shall not claim, assert, or apply for a tax deduction or tax credit with regard to any federal, state, or local tax for any penalty amounts that West pays pursuant to the 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.

DONE AND ORDERED in Chambers at Orlando, Florida, this 2nd day of June, 2011.



JOHN ANTOON II
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record