

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-21977-CIV-MCALILEY

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ALBERTO J. PEREZ,
JOSE G. PEREZ, AND
SEBASTIAN DE LA MAZA

Defendants.

**FINAL JUDGMENT AS TO DEFENDANT JOSE G. PEREZ
AND ORDER DENYING MOTION**

Plaintiff Securities and Exchange Commission commenced this action by filing its Amended Complaint against, among others, Defendant Jose G. Perez. Perez consented to this Court's jurisdiction over him and the subject matter of this action, and to the entry of final judgment by the undersigned. [D.E. 144-1, 294]. Perez previously consented to entry of a permanent injunction to prohibit violations of Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b) and 17 C.F.R. § 240.10b-5]; the Commission's entitlement to disgorgement and prejudgment interest; and to a civil money penalty pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. [DE 144-1]. That agreed to judgment of permanent injunction was entered against Perez on December 22, 2010. [DE 187].

Without admitting or denying the allegations of the Amended Complaint (except as to jurisdiction), Perez, by the Consent to Final Judgment [DE 307-1], has waived findings of fact

and conclusions of law, and has waived any right to appeal from this Final Judgment. This Court accepts Perez's consent, and having jurisdiction over Perez and the subject matter of this action, it enters the following ORDERS:

I.

DISGORGEMENT AND CIVIL PENALTY

IT IS HEREBY ORDERED AND ADJUDGED that Perez is jointly and severally liable with defendant Alberto Perez for disgorgement of \$199,697.50, representing profits gained as a result of the conduct alleged in the Amended Complaint, together with prejudgment interest thereon in the amount of \$87,972.88, for a total of \$287,670.38. Perez is also liable for a civil penalty in the amount of \$199,697.50 pursuant to Section 21A of the Exchange Act, 15 U.S.C. § 78u-1.

Perez shall satisfy this obligation by paying \$487,367.88 within 30 days after entry of this Final Judgment 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, 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 this Final Judgment. 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.

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 amounts that Perez 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. Perez 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 Perez 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.

II.

INCORPORATION OF PEREZ'S CONSENT

IT IS FURTHER ORDERED AND ADJUDGED that the Consent of Jose G. Perez [DE 307-1] is incorporated herein 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 therein.

III.

RETENTION OF JURISDICTION

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

IV.

CERTIFICATION UNDER RULE 54(b)

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 this Judgment forthwith and without further notice.


V.

ORDER DENYING MOTION

Pending before the Court is Plaintiff's Motion to Set Disgorgement, Prejudgment Interest, and Penalty Amounts against Jose Perez. [DE 289]. Given the foregoing Final Judgment, it is hereby ORDERED that:

Plaintiff's Motion to Set Disgorgement, Prejudgment Interest, and Penalty Amounts against Jose Perez [DE 289] is **DENIED as moot**.

DONE AND ORDERED in chambers this 19th day of June, 2012 at Miami, Florida.


CHRIS MCALILEY
UNITED STATES MAGISTRATE JUDGE

Copies to:

All counsel of record