

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No: 8:14-cv-1488-T-35TBM

MATTHEW P. IONNO,

Defendant.

ORDER

THIS CAUSE comes before the Court for consideration of the Notice of Filing Consent of Defendant Matthew P. Ionno and Motion for Entry of Judgment of Permanent Injunction and Other Relief (Dkt. 2) filed by Plaintiff, Securities and Exchange Commission (“Commission”). Therein, the Commission requests entry of the proposed judgment, which resolves all issues of liability in this matter, but leaves open for resolution the Commission's claims for disgorgement, prejudgment interest, and civil penalties as to Defendant Ionno.

In the consent, Defendant “waives service of a summons and the complaint in this action, enters a general appearance, and consents to the Court's jurisdiction over him and over the subject matter of this action.” (Dkt. 2 at 3) Further, the consent notes that Defendant “has entered into a written agreement to plead guilty to criminal conduct relating to certain matters alleged in the complaint in this action,” and thus he “consents to the entry of the Judgment in the form attached hereto.” (Id.) Moreover, “Ionno waives the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal

Rules of Civil Procedure,” and “will not oppose the enforcement of the Judgment on the ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure, and hereby waives any objection based thereon.” (Id. at 5-6)

Accordingly, the Court **GRANTS** Plaintiff’s Motion for Entry of Judgment of Permanent Injunction and Other Relief (Dkt. 2) upon the consent of the parties, and enters the Judgment below, upon the stipulation of the parties.

JUDGMENT AS TO DEFENDANT MATTHEW P. IONNO

The Securities and Exchange Commission having filed a Complaint and Defendant Matthew P. Ionno ("Ionno" 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 this Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

I.

PERMANENT INJUNCTION AS TO SECTION 10(b) AND RULE 10b-5 OF THE EXCHANGE ACT

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Ionno and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this 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.

by, directly or indirectly, (i) creating a false appearance or otherwise deceiving any person, or (ii) disseminating false or misleading documents, materials, or information or making, either orally or in writing, any false or misleading statement in any communication with any investor or prospective investor, about:

- (A) any investment strategy or investment in securities,
- (B) the prospects for success of any product or company,
- (C) the use of customer or investor funds,
- (D) compensation to any person,
- (E) Defendant's qualifications to advise customers or investors; or
- (F) the misappropriation of customer or investor funds or investment proceeds.

II.

PERMANENT INJUNCTION AS TO SECTION 17(a) OF THE SECURITIES ACT

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Ionno and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

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

by, directly or indirectly, (i) creating a false appearance or otherwise deceiving any person, or (ii) disseminating false or misleading documents, materials, or information or making, either orally or in writing, any false or misleading statement in any communication with any investor or prospective investor, about:

- (A) any investment strategy or investment in securities,

- (B) the prospects for success of any product or company,
- (C) the use of customer or investor funds,
- (D) compensation to any person,
- (E) Defendant's qualifications to advise customers or investors; or
- (F) the misappropriation of customer or investor funds or investment proceeds.

III.

PERMANENT INJUNCTION AS TO SECTION 15(a) OF THE EXCHANGE ACT

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Ionno and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 15(a) of the Exchange Act, 15 U.S.C. § 78o(a), by, directly or indirectly, through use of the means or instruments of transportation or communication in interstate commerce or the mails, acting as a broker and/or effecting transactions in, inducing or attempting to induce the purchase or sale of, securities (other than an exempted security or commercial paper, bankers' acceptances or commercial bills) without being registered with the Commission in accordance with Section 15(b) of the Exchange Act, 15 U.S.C. § 78o(b).

IV.

DISGORGEMENT, PREJUDGMENT INTEREST THEREON, AND A CIVIL MONEY PENALTY

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that lonno shall pay disgorgement of ill-gotten gains, prejudgment interest thereon, and a civil penalty pursuant to Section 20(d) of the Securities Act (15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act (15 U.S.C. § 78u(d)(3)]. The Court shall determine the amounts of the disgorgement, prejudgment interest thereon, and civil penalty upon motion of the Commission. Prejudgment interest shall be calculated from July 2012, based on the rate of interest used by the Internal Revenue Service for the underpayment § 6621(a)(2). In connection with the Commission's motion for disgorgement and/or civil penalties, 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 Consent or this Judgment; (c) the allegations of the Complaint 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. In connection with the Commission's motion for disgorgement and/or civil penalties, the parties may take discovery, including discovery from appropriate non-parties.

V.

INCORPORATION OF CONSENT

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

VI.

SECTION 523 OF THE BANKRUPTCY CODE

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the allegations in the complaint are true and admitted by lonno, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by him under this Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by lonno of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

VII.

RETENTION OF JURISDICTION

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 Judgment.

DONE and **ORDERED** in Tampa, Florida, this 30th day of June, 2014.


MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person