

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 19-cv-02461-MEH

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

CETERA ADVISORS LLC, and
CETERA ADVISOR NETWORKS LLC,

Defendants.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

For good cause shown, the Court hereby **grants** Plaintiff Securities and Exchange Commission's ("SEC") unopposed "Motion for an Order Establishing a Fair Fund, Appointing a Tax Administrator, and Authorizing the SEC to Approve Payment of the Tax Obligations of the Fair Fund and the Related Fees and Expenses of the Tax Administrator Without Further Court Order." ECF 121.

IT IS HEREBY ORDERED:

1. A Fair Fund ("Fair Fund") is established pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002 [15 U.S.C. § 7246(a)], as amended by the Dodd-Frank Act of 2010 [15 U.S.C. § 7246], for disgorgement, prejudgment interest, and civil penalties collected in the above-captioned matter. Any interest or earnings on the Fair Fund will be added to the Fair Fund for the benefit of harmed investors.

2. Heffler, Radetich & Saitta, LLP (“HRS”) is appointed as tax administrator (“Tax Administrator”) to execute all income tax reporting requirements, including the preparation and filing of tax returns, for all funds under the Court’s jurisdiction in this case (the “Fair Fund”).

3. HRS shall be designated the Tax Administrator of the Fair Fund, pursuant to Section 468B(g) of the Internal Revenue Code (IRC), 26 U.S.C. § 468B(g), and related regulations, and shall satisfy the administrative requirements imposed by those regulations, including but not limited to (a) obtaining a taxpayer identification number, (b) filing applicable federal, state, and local tax returns and paying taxes reported thereon out of the Fair Fund, and (c) satisfying any information, reporting, or withholding requirements imposed on distributions from the Fair Fund. Upon request, the Tax Administrator shall provide copies of any filings to the SEC’s counsel of record.

4. The Tax Administrator shall, at such times as the Tax Administrator deems necessary to fulfill the tax obligations of the Fair Fund, submit a request to the SEC’s counsel of record for payment from the Fair Fund of any tax obligations of the Fair Fund.

5. The Tax Administrator shall be entitled to charge reasonable fees for tax compliance services and related expenses in accordance with its agreement with the SEC for the Tax Years 2022 through 2024. The Tax Administrator shall, at such times as the Tax Administrator deems appropriate, submit a request to the SEC’s counsel of record for payment of fees and expenses from the Fair Fund.

6. The SEC is authorized to approve and arrange payment of all tax obligations owed by the Fair Fund and the fees and expenses of the Tax Administrator directly from the Fair Fund without further approval of this Court. All payments for taxes and the fees and expenses of the Tax Administrator shall be reported to the Court in a final accounting.

Entered and dated at Denver, Colorado, this 14th day of July, 2023.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large, looped initial "M".

Michael E. Hegarty
United States Magistrate Judge