

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 104140 / September 30, 2025

ADMINISTRATIVE PROCEEDING
File No. 3-18561

In the Matter of

ALEXANDER CAPITAL, L.P.,

Respondent.

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**ORDER DIRECTING DISBURSEMENT OF
FAIR FUND**

ADMINISTRATIVE PROCEEDING
File No. 3-18562

In the Matter of

PHILIP A. NOTO II,

Respondent.

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ADMINISTRATIVE PROCEEDING
File No. 3-18563

In the Matter of

BARRY T. EISENBERG,

Respondent.

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On September 16, 2024, the Division of Enforcement, pursuant to delegated authority, published a Notice of Proposed Plan of Distribution and Opportunity for Comment (“Notice”),¹ pursuant to Rule 1103 of the Commission’s Rules on Fair Fund and Disgorgement Plans (“Commission’s Rules”);² and simultaneously posted the Proposed Plan of Distribution (the

¹ Exchange Act Rel. No. Exchange Act Rel. No. 101031 (Sept. 16, 2024).

² 17 C.F.R. § 201.1103.

“Proposed Plan”). The Notice advised interested persons that they could obtain a copy of the Proposed Plan from the Commission’s public website or by submitting a written request to Jennifer Cardello, United States Securities and Exchange Commission, via email at cardelloj@sec.gov. The Notice also advised that all persons desiring to comment on the Proposed Plan could submit their comments, in writing, within 30 days of the Notice. The Commission received no comments on the Proposed Plan during the comment period. On November 13, 2024, the Division of Enforcement, pursuant to delegated authority, issued an order approving the Proposed Plan,³ and posted the approved Plan of Distribution (the “Plan”).

The Plan provides for the distribution of the Fair Fund, plus accumulated interest, less taxes, fees, and expenses, to the harmed investors according to the methodology set forth in the Plan.

In accordance with the Plan, the Fund Administrator has compiled the payee information and prepared a payment file in a Commission-approved format. The Commission staff has reviewed and accepted the payment file and requests, pursuant to Rule 1101(b)(6) of the Commission’s Rules on Fair Fund and Disgorgement Plans,⁴ that the Commission direct the payment of \$592,957.15 from the Fair Fund, for distribution by the Fund Administrator in accordance with the Plan. This payment is comprised of: (1) \$591,665.38 for compensation to nineteen harmed investors for 100% of their losses, plus reasonable interest; and (2) \$1,291.75 to be paid to Miller Kaplan Arase LLP, the tax administrator for the fund, for payment to the Internal Revenue Service of taxes due on an Individual Retirement Account disbursement to an individual harmed investor.

³ See Exchange Act Rel. No. 101596 (Nov. 13, 2024).

⁴ 17 C.F.R. § 201.1101(b)(6).

Accordingly, it is hereby ORDERED that the Commission staff shall direct the payment of \$592,957.15 from the Fair Fund for distribution in accordance with the Plan.

For the Commission, by the Division of Enforcement, pursuant to delegated authority.⁵

Vanessa A. Countryman
Secretary

⁵ 17 C.F.R. § 200.30-4(a)(21)(v).