

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

_____	)	
SECURITIES AND EXCHANGE COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:17-cv-00155-VAB
	)	
MARK J. VARACCHI and	)	
SENTINEL GROWTH FUND	)	
MANAGEMENT, LLC,	)	
	)	
Defendants,	)	
and	)	
	)	
RADAR ALTERNATIVE FUND LP and	)	
RADAR ALTERNATIVE MASTER FUND SPC,	)	
	)	
Relief Defendants.	)	
_____	)	

**JUDGMENT AS TO DEFENDANTS MARK J. VARACCHI AND SENTINEL GROWTH  
FUND MANAGEMENT, LLC AND RELIEF DEFENDANTS RADAR ALTERNATIVE  
FUND LP AND RADAR ALTERNATIVE MASTER FUND SPC**

The Securities and Exchange Commission filed a Complaint against Defendants, Mark J. Varacchi (“Varacchi”) and Sentinel Growth Fund Management, LLC (“Sentinel”) (together “Defendants”) and Relief Defendants, Radar Alternative Master Fund LP and Radar Alternative Master Fund SPC (together “Relief Defendants”). Defendants and Relief Defendants entered a general appearance and consented to the Court’s jurisdiction over them and the subject matter of this action. They also have consented to entry of this Judgment and waive findings of fact and conclusions of law, as well as any right to appeal from this Judgment.

I.

IT IS ORDERED, ADJUDGED, AND DECREED that Defendants 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.

As provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Judgment by personal service or otherwise: (a) Defendants’ officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendants or with anyone described in (a).

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants 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.

As provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Judgment by personal service or otherwise: (a) Defendants' officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendants or with anyone described in (a).

### III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants are permanently restrained and enjoined from violating Sections 206(1) and 206(2) of the Investment Advisers Act of 1940 (the "Advisers Act") [15 U.S.C. §§ 80b-6(1) & (2)], by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud clients or potential clients; or
- (b) to engage in any transaction, practice, or courses of business which operates as a fraud or deceit upon a client or prospective client.

As provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Judgment by personal service or otherwise: (a) Defendants' officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendants or with anyone described in (a).

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants are permanently restrained and enjoined from violating Section 206(4) of the Advisers Act [15 U.S.C. § 80b-6(4)] and Rule 206(4)-8 thereunder [15 C.F.R. 275.206(4)-8], by use of the mails, and the means and instrumentalities of interstate commerce, directly or indirectly:

- (a) to make any untrue statements of a material fact or to omit to state a material fact necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, to any investor or prospective investor in a pooled investment vehicle; or
- (b) to otherwise engage in any act, practice, or course of businesses that is fraudulent, deceptive or manipulative, with respect to investors or prospective investors in a pooled investment vehicle.

As provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Judgment by personal service or otherwise: (a) Defendants' officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendants or with anyone described in (a).

V.

Upon motion of the Commission, absent further agreement between the parties, the Court shall determine whether it is appropriate to order Defendants or Relief Defendants to pay disgorgement of ill-gotten gains, and, if so, the amount of such disgorgement. If disgorgement is ordered, Defendants and Relief Defendants shall pay prejudgment interest thereon, calculated from August 22, 2013, based on the rate of interest used by the Internal Revenue Service for the underpayment of federal income tax as set forth in 26 U.S.C. § 6621(a)(2).

Upon motion of the Commission, absent further agreement between the parties, the Court shall determine whether it is appropriate to order Defendants to pay a civil penalty pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)], Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)] and Section 209(e) of the Advisers Act [15 U.S.C. § 80b-9(e)] and, if so, the amount of the civil penalty.

In connection with the Commission's motion for disgorgement and/or civil penalties, and at any hearing held on such a motion: (a) Defendants and Relief Defendants will be precluded from arguing that Defendants did not violate the federal securities laws as alleged in the Complaint; (b) Defendants and Relief Defendants may not challenge the validity of the Consent or this Judgment; (c) solely for the purposes of such motion, 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.

VI.

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 Defendants and Relief Defendants shall comply with all of the undertakings and agreements set forth therein.

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely 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 Defendant Varacchi, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant Varacchi 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 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).

VIII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction over this matter, including, but not limited to, jurisdiction for the following purposes: (i) to enforce the terms of this Judgment; (ii) to consider any motion for the appointment of a receiver, for approval of a plan of distribution to investors or creditors, or for the establishment of a Fair Fund, or for miscellaneous relief related to any such motions; and (iii) to enforce any

Order concerning appointment of a receiver, a plan of distribution, or the establishment of a Fair Fund.

Dated this 1st day of May, 2017 at Bridgeport, Connecticut

/s/ Victor A. Bolden

VICTOR A. BOLDEN

UNITED STATES DISTRICT JUDGE