

United States District Court
for the
Southern District of Florida

Securities and Exchange)
Commission, Plaintiff,)
) Civil Action No. 22-22143-Civ-Scola
v.)
)
Carlos Pingarron, Defendant.)

**Judgment of Permanent Injunction and other Relief
Against Defendant Carlos Pingarron**

This cause is before the Court upon Plaintiff Securities and Exchange Commission's unopposed motion for judgment of permanent injunction and other relief against defendant Carlos Pingarron (Pl.'s Mot., ECF No. 7). By the consent of Pingarron to a judgment of permanent injunction and other relief, attached as exhibit B to the Commission's motion (Def.'s Consent, ECF No. 7-2), without admitting or denying the allegations of the complaint (except that Pingarron admits the jurisdiction of this Court over him and over the subject matter of this action and as otherwise set forth in Section V below), Pingarron has waived service of a summons and the complaint, entered a general appearance, consented to entry of this judgment, waived findings of fact and conclusions of law, and waived any right to appeal from this judgment. The Court finds good cause exists for entry of this judgment, thus **granting** the Commission's motion (**ECF No. 7**), as provided in the following.

I.

Permanent Injunctive Relief

A. Section 5 of the Securities Act of 1933 ("Securities Act")

It is ordered that Pingarron is permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable exemption:

- (a) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;
- (b) Unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any

- such security for the purpose of sale or for delivery after sale; or
- (c) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

It is further ordered that, 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) Pingarron's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Pingarron or with anyone described in (a).

B. Section 15(a)(1) of the Exchange Act

It is further ordered that Pingarron is permanently restrained and enjoined from violating, directly or indirectly, Section 15(a)(1) of the Exchange Act [15 U.S.C. § 78o(a)(1)] by making use of any means or instrumentality of interstate commerce or of the mails and engaging in the business of effecting transactions in securities for the accounts of others, or inducing or effecting the purchase and sale of securities, while not registered with the Commission in accordance with the provisions of Section 15(b) of the Exchange Act, or while not associated with a broker-dealer that was so registered.

It is further ordered that, 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) Pingarron's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Pingarron or with anyone described in (a).

II.

Disgorgement, Prejudgment Interest, and Civil Penalty

It is further ordered that Pingarron shall pay disgorgement of ill-gotten gains, prejudgment interest on disgorgement, 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 and civil penalty upon motion of the Commission.

Prejudgment interest on disgorgement shall be calculated from August 31, 2019, 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). In connection with the Commission's motion for disgorgement or a civil penalty, and at any hearing held on such a motion: (i) Pingarron will be precluded from arguing that he did not violate the federal securities laws as alleged in the Complaint; (ii) Pingarron may not challenge the validity of the Consent or this Judgment; (iii) solely for the purposes of such motion, the allegations of the Complaint shall be accepted as and deemed true by the Court; and (iv) 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 a civil penalty, the parties may take discovery, including discovery from appropriate non-parties.

III.

Incorporation Of Consent

It is further ordered that the Consent filed as exhibit B to the Commission's motion (ECF No. 7-2) is incorporated herein with the same force and effect as if fully set forth herein, and Pingarron shall comply with all of the undertakings and agreements set forth therein.

IV.

Retention of Jurisdiction

It is further ordered that this Court shall retain jurisdiction of this matter and over Pingarron in order to implement and carry out the terms of this judgment and all orders and decrees that may be entered, to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and to order any other relief that this Court deems appropriate under the circumstances

V.

Bankruptcy Nondischargeability

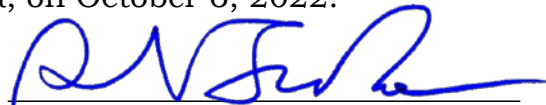
It is further ordered that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code [11 U.S.C. § 523], the allegations in the Complaint are true and admitted by Pingarron, and further, any debt for disgorgement, prejudgment interest, civil penalty, or other amounts due by Pingarron 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 Pingarron 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)].

VI.

Rule 54(B) Certification

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is directed to enter this judgment forthwith and without further notice.

Done and ordered in Miami, Florida, on October 6, 2022.



Robert N. Scola, Jr.
United States District Judge