

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No: 8:19-mc-77-T-30AEP

CHARLES IRIZARRY,

Defendant.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Anthony E. Porcelli (Dkt. 6). The Court notes that neither party filed written objections to the Report and Recommendation and the time for filing such objections has elapsed.

After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. 6) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. The Commission's application (Dkt. 1) is GRANTED.

3. Pursuant to Section 20(c) of the Securities Act and Section 21(e) of the Exchange Act, Irizarry is directed to comply with the Commission Order by paying disgorgement in the amount of \$6,000; prejudgment interest in the amount of \$337.85; and a civil penalty of \$12,000 together with additional post-order interest pursuant to 17 C.F.R. § 201.600 and 31 U.S.C. § 3717, accruing from the date of the Commission Order to the entry of final judgment in this action.
4. Within fourteen days of entry of final judgment in this action, Irizarry is directed to pay the above amounts to the Commission. Payment may be made electronically to the Commission, which should be directed to provide detailed ACH transfer/Fedwire instructions upon request made to Disgorgement-Penalty@sec.gov and/or (202) 551-7940. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <https://www.sec.gov/paymentoptions>. Irizarry may also pay by certified check, bank cashier's check, or United States postal money order, made payable to the Securities and Exchange Commission and setting forth the title and civil action number of this action and the name of this Court, and specifying that payment is made pursuant to the final judgment entered in this action. The funds may also be hand-delivered or mailed to:

Enterprise Services Center
Accounts Receivable Branch HQ Bldg.,
Room 181, AMZ-341
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

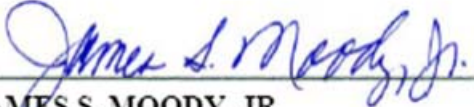
Payments must be accompanied by a cover letter identifying Irizarry as the defendant in this action, the name of this Court, and the docket number of this action. A copy of the cover letter and payment confirmation must be sent to the following:

Elizabeth Goody
Securities and Exchange Commission
New York Regional Office
200 Vesey Street, Suite 400
New York, NY 10281

5. Irizarry is notified that, by making such payment, Irizarry will relinquish all legal and equitable right, title, and interest in such funds, and no portion of such funds shall be returned to Irizarry.
6. The Commission is directed to send funds received to the United States Treasury.
7. Irizarry is directed to pay the Commission post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.
8. Irizarry is notified that, if Irizarry does not pay the above amounts, the Commission may enforce the final judgment entered in this action through the remedies available by law to collect the unpaid balance. Such remedies include:
 - a. With respect to disgorgement and prejudgment interest, civil contempt proceedings, all collection procedures authorized by Rule 69(a), Federal Rules of Civil Procedure, and the state law remedies incorporated therein, including but not limited to the remedies delineated in the New York Civil Practice Law and Rules and the New York Debtor and Creditor Law;

- b. With respect to the civil penalty, all collection procedures authorized by the Federal Debt Collection Procedure Act, 28 U.S.C. §§ 3001-3308 (including the 10% surcharge authorized by 28 U.S.C. § 3015); and
- c. With respect to all amounts due, all offset rights pursuant to the Treasury Offset Program.
9. To preserve the deterrent effect of the civil penalty, amounts ordered to be paid as civil penalties pursuant to the final judgment entered in this action shall be treated as penalties paid to the government for all purposes, including all tax purposes.
10. The Court retains jurisdiction of this matter for purposes of enforcing the final judgment entered in this action.
11. The Clerk is directed to close this case.

DONE and **ORDERED** in Tampa, Florida, this 17th day of July, 2019.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record