

**In The United States District Court
For The Northern District of Georgia
Atlanta Division**

**Commodity Futures Trading
Commission,**

Plaintiff,

vs.

**Renaissance Asset Management, LLC,
and
Anthony Michael Ramunno, Jr.
Defendants.**

Civil Action No:

**1:07 – CV – 0200 JTC
Judge Jack T. Camp**

**SUPPLEMENTAL ORDER ASSESSING A CIVIL MONETARY PENALTY
AGAINST DEFENDANT ANTHONY MICHAEL RAMUNNO, JR.**

I. INTRODUCTION

On January 24, 2007, Plaintiff Commodity Futures Trading Commission (“Commission” or “CFTC”) filed the Complaint in this action against Renaissance Asset Management, LLC (“RAM”) and Anthony Michael Ramunno, Jr. (“Ramunno” or “Defendant”) seeking injunctive and other equitable relief for violations of the Commodity Exchange Act, as amended (“Act”), 7 U.S.C. §§ 1 *et seq.* (2002), and the Commission’s Regulations (“Regulations”) promulgated thereunder, 17 C.F.R. §§ 1 *et seq.* (2008). On March 13, 2008, the Court entered a Consent Order of Permanent Injunction and Other Equitable Relief against Ramunno (“Permanent Injunction”). The Permanent Injunction included findings

that Defendant Ramunno, while acting as a commodity pool operator over a twenty month period, defrauded pool participants and misappropriated their funds. The Permanent Injunction reserved the issues of restitution, disgorgement and a civil monetary penalty.

On July 21, 2008, Plaintiff moved for an Order Assessing a Civil Monetary Penalty against Defendant Anthony Ramunno to resolve the reserved issues of monetary sanctions. [Defendant Ramunno has failed to respond to the Motion.]

The Court, having reviewed Plaintiff's supporting memorandum and the additional Declaration of Michael Tallarico, hereby grants Plaintiff's motion and orders as follows.

II. MONETARY SANCTIONS

A. Restitution

1. Ramunno's violations of the Act merit the award of restitution to persons injured by Ramunno's misconduct. However, the Court recognizes that Ramunno has been subject to a parallel criminal action based upon the misconduct at issue in this civil action, and on December 18, 2007, a federal criminal court entered a judgment ordering Ramunno to pay \$21,226,719.93 in criminal restitution (the "criminal restitution obligation") in *United States v. Ramunno*, Docket No. 1:07 CR 0061 (N.D. Ga.). Because the criminal court has ordered

Ramunno to pay restitution to defrauded customers, it is unnecessary for this court to order payment civil restitution in this matter.

B. Civil Monetary Penalty

2. Based upon Defendant Ramunno's numerous violations of core anti-fraud provisions of the Act, he shall pay a civil monetary penalty in the amount of \$5,802,058.13, plus post-judgment interest (the "CMP Obligation"). That sum is the calculated amount of Ramunno's monetary gain.

3. Post-judgment interest shall accrue beginning on the date of entry of this Supplemental Order and shall be determined at the Treasury Bill rate prevailing on the date of entry of this Supplemental Order pursuant to 28 U.S.C. § 1961.

4. Defendant's CMP obligation is immediately due and owing upon entry of this Supplemental Order. Defendant shall pay this CMP Obligation by electronic funds transfer, U.S. postal money order, certified check, bank cashier's check, or bank money order. If payment is to be made other than by electronic funds transfer, the payment shall be made payable to the Commodity Futures Trading Commission and sent to the address below:

Commodity Futures Trading Commission
Division of Enforcement
ATTN: Marie Bateman – AMZ-300
DOT/FZZ/MMAC
6500 S. MacArthur Blvd.
Oklahoma City, OK 73169

Telephone: (405) 954-6569

If payment by electronic transfer is chosen, the Defendant shall contact Marie Bateman or her successor at the address above to receive payment instructions and shall fully comply with those instructions. Ramunno shall accompany payment of the civil monetary penalty with a cover letter that identifies himself and the name and docket number of this proceeding. The Defendant shall simultaneously transmit copies of the cover letter and the form of payment to the Director, Division of Enforcement, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581, and the Chief, Office of Cooperative Enforcement, at the same address.

C. Partial Payments

5. Any acceptance by the Commission of partial payment of Defendant's CMP Obligation shall not be deemed a waiver of the requirement to make further payments pursuant to this Supplemental Order, or a waiver of the Commission's right to seek to compel payment of any remaining balance.

D. Miscellaneous Provisions

6. Cooperation: Defendant shall cooperate fully with the Commission and any government agency seeking to enforce the either the criminal restitution obligation or civil monetary provision of this Supplemental Order by providing any

requested information relating to their financial status including, but not limited to, income and earnings, assets, financial statements, asset transfers, and tax returns.


7. **Invalidation:** If any provision of this Supplemental Order, or if the application of any provisions or circumstances is held invalid, the remainder of this Supplemental Order and the application of the provisions to any other person or circumstance shall not be affected by the holding.

8. **Waiver:** The failure of any party hereto at any time or times to require performance of any provision hereof shall in no manner affect the right of such party at a later time to enforce the same or any other provision of this Supplemental Order. No waiver in one or more instances of the breach of any provision contained in this Supplemental Order shall be deemed to be or construed as a further or continuing waiver of such breach or waiver of the breach of any other provision of this Supplemental Order.

9. **Continuing Jurisdiction of this Court:** This Court shall retain jurisdiction of this action to assure compliance with this Supplemental Order and for all other purposes related to this action, including but not limited to monitoring

the actions of the Temporary Receiver and considering any suitable application or motion for additional relief within the jurisdiction of the Court.

IT IS SO ORDERED on this 12 day of Feb, 2008.


UNITED STATES DISTRICT JUDGE