Table IV to Subpart E -- Civil monetary penalty inflation adjustments

<table>
<thead>
<tr>
<th>U.S. Code citation</th>
<th>Civil monetary penalty description</th>
<th>Year penalty amount was last adjusted</th>
<th>Maximum penalty amount pursuant to last adjustment</th>
<th>Adjusted maximum penalty amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 U.S.C. 7215(c)(4)(D)(i)</td>
<td>For natural person/fraud</td>
<td>2005</td>
<td>65,000</td>
<td>75,000</td>
</tr>
<tr>
<td>15 U.S.C. 7215(c)(4)(D)(ii)</td>
<td>For any other person/fraud</td>
<td>2005</td>
<td>325,000</td>
<td>375,000</td>
</tr>
<tr>
<td>15 U.S.C. 7215(c)(4)(D)(ii)</td>
<td>For natural person/substantial losses or risk of losses to others</td>
<td>2005</td>
<td>130,000</td>
<td>150,000</td>
</tr>
<tr>
<td>15 U.S.C. 7215(c)(4)(D)(ii)</td>
<td>For any other person/substantial losses or risk of losses to others</td>
<td>2005</td>
<td>650,000</td>
<td>725,000</td>
</tr>
</tbody>
</table>

[74 FR 9160, Mar. 3, 2009]

Subpart F—Fair Fund and Disgorgement Plans

Authority: 15 U.S.C. 77h-1, 77s, 77u, 78c(b), 78d-1, 78d-2, 78u-2, 78u-3, 78v, 78w, 80a-9, 80a-37, 80a-39, 80a-40, 80b-3, 80b-5, 80b-11, 80b-12, and 7246.

Source: 69 FR 13180, Mar. 19, 2004, unless otherwise noted.

§ 201.1100 Creation of Fair Fund.

In any agency process initiated by an order instituting proceedings in which the Commission or the hearing officer issues an order requiring the payment of disgorgement by a respondent and also assessing a civil money penalty against that respondent, the Commission or the hearing officer may order that the amount of disgorgement and of the civil penalty, together with any funds received pursuant to 15 U.S.C. 7246(b), be used to create a fund for the benefit of investors who were harmed by the violation.

(70 FR 72570, Dec. 5, 2005)

§ 201.1101 Submission of plan of distribution; contents of plan.

(a) Submission. The Commission or the hearing officer may, at any time, order any party to submit a plan for the administration and distribution of funds in a Fair Fund or disgorgement fund. Unless ordered otherwise, the Division of Enforcement shall submit a proposed plan no later than 60 days after the respondent has turned over the funds or other assets pursuant to the Commission’s order imposing disgorgement and, if applicable, a civil money penalty and any appeals of the Commission’s order have been waived or completed, or appeal is no longer available.

(b) Contents of plan. Unless otherwise ordered, a plan for the administration of a Fair Fund or a disgorgement fund shall include the following elements:

(1) Procedures for the receipt of additional funds, including the specification of any account where funds will be held, the instruments in which the funds may be invested; and, in the case of a Fair Fund, the receipt of any funds pursuant to 15 U.S.C. 7246(b), if applicable;

(2) Specification of categories of persons potentially eligible to receive proceeds from the fund;

(3) Procedures for providing notice to such persons of the existence of the fund and their potential eligibility to receive proceeds of the fund;

(4) Procedures for making and approving claims, procedures for handling disputed claims, and a cut-off date for the making of claims;

(5) A proposed date for the termination of the fund, including provision for the disposition of any funds not otherwise distributed;

(6) Procedures for the administration of the fund, including selection, compensation, and, as necessary, indemnification of a fund administrator to oversee the fund, process claims, prepare accountings, file tax returns, and, subject to the approval of the Commission, make distributions from the fund to investors who were harmed by the violation; and