### Subpart F—Fair Fund and Disgorgement Plans

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

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

(a) **Submission.** The Commission or the hearing officer may, at any time,