

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

)	
U.S. COMMODITY FUTURES TRADING)	
COMMISSION,)	
)	Case No. 13-cv-61637
Plaintiff,)	
)	Judge William P. Dimitrouleas
v.)	Magistrate Judge Lurana S.
)	Snow
AMERIFIRST MANAGEMENT LLC,)	
JOHN P. D'ONOFRIO, GEORGE E.)	
SARAFIANOS, and SCOTT D. PICCININNI,)	
)	
Defendants.)	
)	

**CONSENT ORDER OF PERMANENT INJUNCTION
AND OTHER STATUTORY AND EQUITABLE RELIEF AGAINST
DEFENDANTS AMERIFIRST MANAGEMENT LLC, JOHN P. D'ONOFRIO,
GEORGE E. SARAFIANOS, AND SCOTT D. PICCININNI**

On July 29, 2013, Plaintiff U.S. Commodity Futures Trading Commission ("Commission" or "CFTC") filed a Complaint for Injunctive Relief and Penalties Under the Commodity Exchange Act ("Complaint") against Defendants AmeriFirst Management LLC ("AML"), John P. D'Onofrio, George E. Sarafianos, and Scott D. Piccininni (collectively, "Defendants") for violations of the Commodity Exchange Act ("Act"), 7 U.S.C. §§ 1 *et seq.* (2006 and Supp. V 2011), and the Commission's Regulations ("Regulations") promulgated thereunder, 17 C.F.R. §§ 1.1 *et seq.* (2012).

**I.
CONSENTS AND AGREEMENTS**

To effect partial settlement of the matters alleged in the Complaint against Defendants AML, D'Onofrio, Sarafianos, and Piccininni without a trial on the merits or any further judicial proceedings, Defendants AML, D'Onofrio, Sarafianos, Piccininni:

1. Consent to the entry of this Consent Order of Permanent Injunction and Other Statutory and Equitable Relief Against Defendants AmeriFirst Management LLC, John P. D'Onofrio, George E. Sarafianos, and Scott D. Piccininni ("Consent Order");

2. Affirm that they have read and agreed to this Consent Order voluntarily, and that no promise, other than as specifically contained herein, or threat, has been made by the Commission or any member, officer, agent, or representative thereof, or by any other person, to induce consent to this Consent Order;

3. Acknowledge service of the summons and Complaint;

4. Admit the jurisdiction of this Court over them and the subject matter of this action pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1;

5. Admit the jurisdiction of the Commission over the conduct and transactions at issue in this action pursuant to the Act, 7 U.S.C. §§ 1 *et seq.*;

6. Admit that venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(e);

7. Waive:

(a) any and all claims that they may possess under the Equal Access to Justice Act, 5 U.S.C. § 504 (Supp. V 2011) and 28 U.S.C. § 2412 (Supp. V 2011), and/or the rules promulgated by the Commission in conformity therewith, Part 148 of the Regulations, 17 C.F.R. §§ 148.1 *et seq.*, relating to, or arising from, this action;

(b) any and all claims that they may possess under the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. No. 104-121, §§ 201-253, 110 Stat. 847, 857-868 (1996), as amended by Pub. L. No. 110-28, § 8302, 121 Stat. 112, 204-205 (2007), relating to, or arising from, this action;

(c) any claim of Double Jeopardy based upon the institution of this action or the entry in this action of any order imposing a civil monetary penalty or any other relief, including this Consent Order; and

(d) any and all rights of appeal from this Consent Order;

8. Consent to the continued jurisdiction of this Court over them for the purpose of implementing and carrying out the terms and conditions of all orders and decrees, including orders setting the appropriate amounts of restitution and civil monetary penalty that may be entered herein, to entertain any suitable application or motion for additional relief within the jurisdiction of the Court, to assure compliance with this Consent Order, and for any other purpose relevant to this action, even if Defendants now or in the future reside outside the jurisdiction of this Court;

9. Agree that they will not oppose enforcement of this Consent Order by alleging that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure and waive any objection based thereon;

10. Agree that neither they nor any of their agents or employees under their authority or control shall take any action or make any public statement denying, directly or indirectly, any allegation in the Complaint or Conclusions in this Consent Order, or creating or tending to create the impression that the Complaint and/or this Consent Order is without a factual basis; provided, however, that nothing in this provision shall affect their: (a) testimonial obligations, or (b) right to take legal positions in other proceedings to which the Commission is not a party. Defendants shall undertake all steps necessary to ensure that their agents or employees under their authority or control understand and comply with this agreement;

11. By consenting to the entry of this Consent Order, neither admit nor deny the allegations of the Complaint or the Conclusions in this Consent Order, except as to jurisdiction and venue, which they admit. Further, Defendants agree and intend that the allegations contained in the Complaint and all of the Conclusions contained in this Consent Order shall be taken as true and correct and be given preclusive effect, without further proof, in the course of: (a) any current or subsequent bankruptcy proceeding filed by, on behalf of, or against Defendants; (b) any proceeding pursuant to Section 8a of the Act, 7 U.S.C. § 12a, and/or Part 3 of the Regulations, 17 C.F.R. §§ 3.1 *et seq.*; and/or (c) any proceeding to enforce the terms of this Consent Order;

12. Agree to provide immediate notice to this Court and the Commission by certified mail, in the manner required by paragraph 51 of Part V of this Consent Order, of any bankruptcy proceeding filed by, on behalf of, or against them, whether inside or outside the United States, and

13. Agree that no provision of this Consent Order shall in any way limit or impair the ability of any other person or entity to seek any legal or equitable remedy against Defendants in any other proceeding.

14. Defendants consent to pay restitution, plus post-judgment interest, in an amount to be determined upon subsequent consent order or motion by the Commission and/or hearing before this Court.

15. Defendants consent to pay a civil monetary penalty, plus post-judgment interest, in an amount to be determined upon subsequent consent order or motion by the Commission and/or hearing before this Court.

II.

CONCLUSIONS

The Court, being fully advised in the premises, finds that there is good cause for the entry of this Consent Order and that there is no just reason for delay. The Court therefore directs the entry of the following Conclusions, permanent injunction, and equitable relief pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1, as set forth herein.

THE PARTIES AGREE AND THE COURT HEREBY FINDS:

A. The Parties to this Consent Order

16. Plaintiff **United States Commodity Futures Trading Commission** is an independent federal regulatory agency charged by Congress with administering and enforcing the Act and the Commission Regulations promulgated thereunder.

17. Defendant **AmeriFirst Management LLC** is a Florida limited liability company formed in October 2011. Its principal place of business is 100 SE 3rd Ave., Fort Lauderdale, Florida. AML has never been registered with the Commission in any capacity. AML ceased operation on February 25, 2013.

18. Defendant **John P. D'Onofrio** is a resident of Fort Lauderdale, Florida and was an owner and operator of AML. Along with Defendants Sarafianos and Piccininni, D'Onofrio controlled the day to day operations of AML. D'Onofrio was Manager and Compliance Consultant at AML, and his principal responsibility was executing physical metals transactions with physical metals suppliers. D'Onofrio is not currently registered with the Commission in any capacity. He was formerly registered with the Commission as an associated person ("AP") and was a principal of several firms.

19. Defendant **George E. Sarafianos** is a resident of Lighthouse Point, Florida and was an owner and operator of AML. Along with Defendants D'Onofrio and Piccininni, Sarafianos controlled the day to day operations of AML. Sarafianos was the Comptroller of

AML and is primarily responsible for AML's accounting and financials. Sarafianos has never been registered with the Commission in any capacity.

20. Defendant **Scott D. Piccininni** is a resident of Fort Lauderdale, Florida and was an owner and operator of AML. Along with Defendants D'Onofrio and Sarafianos, Piccininni controlled the day to day operations of AML. Piccininni was the head of sales at AML and was primarily responsible for recruiting and maintaining relationships with precious metals dealers. In addition, Piccininni was responsible for recruiting and maintaining relationships with African Trading Partners LLC and American Capital Partners (Ghana) Limited Inc., two entities with whom AML purportedly covered the balance of metals of the retail customers. Piccininni has never been registered with the Commission in any capacity.

B. Jurisdiction and Venue

21. This Court has jurisdiction over this action pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1, which provides that whenever it shall appear to the Commission that any person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule, regulation, or order promulgated thereunder, the Commission may bring an action in the proper district court of the United States against such person to enjoin such act or practice, or to enforce compliance with the Act, or any rule, regulation, or order thereunder.

22. The Commission has jurisdiction over the transactions at issue in this action pursuant to Section 2(c)(2)(D) of the Act, 7 U.S.C. § 2(c)(2)(D).

23. Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(e), because Defendants reside in this jurisdiction and the acts and practices in violation of the Act occurred within this District.

C. Violations of the Act and Regulations

i. Violations of Section 4(a) of the Act: Illegal, Off-Exchange Transactions

24. By the conduct described in the Complaint, Defendants conducted an office and business in the United States for the purpose of accepting and otherwise dealing in retail commodity transactions, pursuant to which Defendants offered to enter into, entered into, and confirmed the execution of retail commodity transactions on a leveraged or margined basis, or financed by AML. None of Defendants' retail commodity transactions were conducted on or subject to the rules of a board of trade that has been designated or registered by the Commission as a contract market. The persons with whom Defendants offered to enter into, entered into, or confirmed the execution of precious metals transactions were not eligible contract participants or eligible commercial participants, as defined by the Act, and were not engaged in a line of business related to precious metals. Defendants therefore violated Section 4(a) of the Act, 7 U.S.C. § 6(a).

25. The acts, failures, and omissions of D'Onofrio, Sarafianos, Piccininni, and other officials, agents, or persons acting for AML occurred within the scope of their employment, agency, or office with AML, and are deemed to be the acts, failures, and omissions of AML by operation of Section 2(a)(1)(B) of the Act, 7 U.S.C. § 2(a)(1)(B), and Regulation 1.2, 17 C.F.R. § 1.2. AML is therefore liable for D'Onofrio's, Sarafianos', and Piccininni's acts, failures, and omissions that are violations of Section 4(a) of the Act.

26. D'Onofrio, Sarafianos, and Piccininni each controlled AML, and each failed to act in good faith or knowingly induced the acts constituting AML's violations of Section 4(a) of the Act. Pursuant to Section 13(b) of the Act, 7 U.S.C. § 13c(b), D'Onofrio, Sarafianos, and Piccininni each is therefore liable as a controlling person for AML's violations of Section 4(a) of the Act.

ii. Violations of Section 4b of the Act: Fraudulent Misrepresentations and False Reports and Statements

27. By the conduct described the Complaint, Defendants violated Section 4b(a)(2)(A) and (C) of the Act, 7 U.S.C. § 6b(a)(2)(A), (C), by making false representations of material fact and failing to disclose material facts to the retail customer. Likewise, Defendants violated Section 4b(a)(2)(B) of the Act, 7 U.S.C. § 6b(a)(2)(B), by making false reports and statements to the retail customer.

28. Defendants misrepresented that the retail customer purchased, and the dealer sold, the total quantity of precious metal in the transaction.

29. Defendants misrepresented that the retail customer received, and the dealer made, a loan so that the customer could purchase the total quantity of precious metal in the transaction.

30. Defendants misrepresented that the dealer held for the customer the total quantity of precious metal in the transaction.

31. Defendants made such misrepresentations in false reports and statements to the retail customers.

32. Defendants committed such acts intentionally or with reckless disregard for the truth.

33. The acts, failures, and omissions of D'Onofrio, Sarafianos, Piccininni, and other officials, agents, or persons acting for AML occurred within the scope of their employment, agency, or office with AML, and are deemed to be the acts, failures, and omissions of AML by operation of Section 2(a)(1)(B) of the Act, 7 U.S.C. § 2(a)(1)(B), and Regulation 1.2, 17 C.F.R. § 1.2. AML is therefore liable for D'Onofrio's, Sarafianos', and Piccininni's acts, failures, and omissions that are violations of Section 4b(a)(2)(A), (B), and (C) of the Act.

34. D'Onofrio, Sarafianos, and Piccininni each controlled AML, and each failed to act in good faith or knowingly induced the acts constituting AML's violations of Section 4b(a)(2)(A), (B), and (C) of the Act. Pursuant to Section 13(b) of the Act, 7 U.S.C. § 13c(b), D'Onofrio, Sarafianos, and Piccininni each is therefore liable as a controlling person for AML's violations of Section 4b(a)(2)(A), (B), and (C) of the Act.

iii. Violations of Section 6(c)(1) of the Act and Regulation 180.1(a): Deceptive Devices or Contrivances

35. By the conduct described in the Complaint, Defendants violated Section 6(c)(1) of the Act, 7 U.S.C. § 9(1), and Regulation 180.1(a), 17 C.F.R. § 180.1(a), by employing deceptive devices or contrivances in connection with contracts of sale of commodities in interstate commerce, including: making misrepresentations that the customer bought, and the dealer sold, the total quantity of precious metal; making misrepresentations that the customer received, and the dealer made, a loan to the customer; and making misrepresentations that the dealer held the precious metal for the customer.

36. Defendants committed such acts intentionally or with reckless disregard for the truth.

37. The acts, failures, and omissions of D'Onofrio, Sarafianos, Piccininni, and other officials, agents, or persons acting for AML occurred within the scope of their employment, agency, or office with AML, and are deemed to be the acts, failures, and omissions of AML by operation of Section 2(a)(1)(B) of the Act, 7 U.S.C. § 2(a)(1)(B), and Regulation 1.2, 17 C.F.R. § 1.2. AML is therefore liable for D'Onofrio's, Sarafianos', and Piccininni's acts, failures, and omissions that are violations of Section 6(c)(1) of the Act and Commission Regulation 180.1(a).

38. D'Onofrio, Sarafianos, and Piccininni each controlled AML, and each failed to act in good faith or knowingly induced the acts constituting AML's violations of Section 6(c)(1)

of the Act and Commission Regulation 180.1(a). Pursuant to Section 13(b) of the Act, 7 U.S.C. § 13c(b), D'Onofrio, Sarafianos, and Piccininni each is therefore liable as a controlling person for AML's violations of Section 6(c)(1) of the Act and Commission Regulation 180.1(a).

iv. Violation of Section 4d of the Act: Failure to Register

39. By the conduct described in the Complaint, Defendant AML violated Section 4d(a)(1) of the Act, 7 U.S.C. § 6d(a)(1), by acting as a futures commission merchant ("FCM") when accepting orders for, and acting as a counterparty in, retail commodity transactions, when AML was not registered with the Commission as an FCM.

40. D'Onofrio, Sarafianos, and Piccininni each controlled AML, and each failed to act in good faith or knowingly induced the acts constituting AML's violation of Section 4d(a)(1) of the Act. Pursuant to Section 13(b) of the Act, 7 U.S.C. § 13c(b), D'Onofrio, Sarafianos, and Piccininni each is therefore liable as a controlling person for AML's violation of Section 4d(a)(1) of the Act.

41. Unless restrained and enjoined by this Court, there is a reasonable likelihood that Defendants will continue to engage in the acts and practices alleged in the Complaint and in similar acts and practices in violation of the Act and Regulations.

III.

ORDER FOR PERMANENT INJUNCTION

IT IS HEREBY ORDERED THAT:

42. Based upon and in connection with the foregoing conduct, pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1, Defendants are permanently restrained, enjoined, and prohibited from directly or indirectly:

- a. Offering to enter into, entering into, confirming the execution of, conducting an office in the United States for the purpose of soliciting, or

accepting any order for, or otherwise dealing in any transaction in, or in connection with, a contract for the purchase or sale of a commodity for future delivery, unless such transaction is conducted on or subject to the rules of a board of trade which has been designated or registered by the Commission as a contract market or derivatives transaction execution facility for such commodity, in violation of Section 4(a) of the Act, 7 U.S.C. § 6(a);

- b. Cheating or defrauding, or attempting to cheat or defraud, another person in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery that is made, or to be made, for or on behalf of, or with, any other person, in violation of Section 4b(a)(2)(A) and (C) of the Act, 7 U.S.C. § 6b(a)(2)(A), (C);
- c. Willfully making or causing to be made any false report or statement to another person in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery that is made, or to be made, for or on behalf of, or with, any other person, in violation of Section 4b(a)(2)(B), 7 U.S.C. § 6b(a)(2)(B);
- d. Employing deceptive devices or contrivances in connection with contracts of sale of commodities in interstate commerce, in violation of Section 6(c)(1) of the Act, 7 U.S.C. § 9(1), and Regulation 180.1(a), 17 C.F.R. § 180.1(a); and
- e. Acting as an FCM when accepting orders for, and acting as a counterparty in, retail commodity transactions, when not registered with the

Commission as an FCM, in violation of Section 4d(a)(1) of the Act, 7 U.S.C. § 6d(a)(1).

43. Defendants are also permanently restrained, enjoined, and prohibited from directly or indirectly:

- a. Trading on or subject to the rules of any registered entity (as that term is defined in Section 1a of the Act, 7 U.S.C. § 1a);
- b. Entering into any transactions involving commodity futures, options on commodity futures, commodity options (as that term is defined in Regulation 1.3 (hh), 17 C.F.R. § 1.3(hh)), security futures products, foreign currency (as described in Section 2(c)(2)(B) and 2(c)(2)(C)(i) of the Act, 7 U.S.C. § 2(c)(2)(B) and 2(c)(2)(C)(i)) ("forex contracts"), and/or swaps (as that term is defined in Section 1a(47) of the Act, 7 U.S.C. § 1a(47), and as further defined by Regulation 1.3(xxx), 17 C.F.R. § 1.3 (2012)) for their own personal account or for any account in which they have a direct or indirect interest;
- c. Having any commodity futures, options on commodity futures, commodity options, security futures products, forex contracts, and/or swaps traded on their behalf;
- d. Controlling or directing the trading for or on behalf of any other person or entity, whether by power of attorney or otherwise, in any account involving commodity futures, options on commodity futures, commodity options, security futures products, forex contracts, and/or swaps;

- e. Soliciting, receiving, or accepting any funds from any person for the purpose of purchasing or selling any commodity futures, options on commodity futures, commodity options, security futures products, forex contracts, and/or swaps;
- f. Applying for registration or claiming exemption from registration with the Commission in any capacity, and engaging in any activity requiring such registration or exemption from registration with the Commission, except as provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9); and
- g. Acting as a principal (as that term is defined in Regulation 3.1(a), 17 C.F.R. § 3.1(a)), agent, or any other officer or employee of any person (as that term is defined in Section 1a of the Act, 7 U.S.C. § 1a) registered, exempted from registration, or required to be registered with the Commission except as provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9).

IV.

STATUTORY AND EQUITABLE RELIEF

- 44. Defendants shall pay restitution, plus post-judgment interest, to each retail customer.
- 45. Defendants shall pay a civil monetary penalty, plus post-judgment interest, to the Commission.
- 46. The Court shall determine the amounts of restitution and civil monetary penalty and the procedures for payment and distribution of these monetary sanctions by further order upon: motion of the parties submitting to the Court a proposed consent order setting out their

agreement on the amounts of restitution and civil monetary penalty to be paid by Defendants in this matter; subsequent motion by the Commission; and/or hearing before this Court.

47. In connection with any Commission motion for restitution and/or civil monetary penalties, and at any hearing held on such a motion: (a) Defendants will be precluded from arguing that they did not violate the federal laws as alleged in the Complaint; (b) Defendants may not challenge the validity of their consents and agreements herein or this Consent Order; (c) solely for the purposes of such motion, the allegations of the Complaint and the Findings of Fact and Conclusions of Law in this Consent Order shall be accepted as and deemed true by the Court; and (d) 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 restitution and/or civil monetary penalties, the parties may take discovery, including discovery from appropriate non-parties.

48. Defendants shall cooperate fully and expeditiously with the Commission, including the Commission's Division of Enforcement, in any current or future investigation, civil litigation, or administrative matter related to the subject matter of this action. As part of such cooperation, Defendants shall comply, to the full extent of their abilities, promptly and truthfully with any inquiries or requests for information, including, but not limited to, requests for production of documents and authentication of documents, and shall provide assistance at any trial, proceeding, or investigation related to the subject matter of this action, including, but not limited to, requests for testimony, depositions, and/or interviews. Should the Commission file any additional action(s) related to the subject matter of this action, Defendants are directed to

appear in the judicial district in which such action(s) is pending, or in a suitable judicial district agreed to by the parties, to provide deposition testimony and trial testimony should such testimony be necessary.

V.

MISCELLANEOUS PROVISIONS

49. Notice: All notices required to be given by any provision in this Consent Order shall be sent certified mail, return receipt requested, as follows:

Notice to Commission:

Director, Division of Enforcement
Three Lafayette Centre
1155 21st St. NW
Washington, DC 20581

Notice to Defendants:

John P. D'Onofrio
1581 SW 15th St.
Boca Raton, FL 33486

George E. Sarafianos
4440 NE 22nd Ave.
Lighthouse Point, FL 33064

Scott D. Piccininni
2865 NE 36th St.
Ft. Lauderdale, FL 33308

All such notices to the Commission shall reference the name and docket number of this action.

50. Change of Address/Phone: Until such time as Defendants satisfy in full their restitution obligation and CMP obligation as set forth in this Consent Order, Defendants shall provide written notice to the Commission by certified mail of any change to their telephone numbers and mailing addresses within ten (10) calendar days of the change.

51. Entire Agreement and Amendments: This Consent Order incorporates all of the terms and conditions of the settlement among the parties hereto to date. Nothing shall serve to amend or modify this Consent Order in any respect whatsoever, unless: (a) reduced to writing; (b) signed by all parties hereto; and (c) approved by order of this Court.

52. Invalidation: If any provision of this Consent Order or if the application of any provision or circumstance is held invalid, then the remainder of this Consent Order and the application of the provision to any other person or circumstance shall not be affected by the holding.

53. Waiver: The failure of any party to this Consent Order or of any retail customer at any time to require performance of any provision of this Consent Order shall in no manner affect the right of the party or retail customer at a later time to enforce the same or any other provision of this Consent Order. No waiver in one or more instances of the breach of any provision contained in this Consent 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 Consent Order.

54. Continuing Jurisdiction of this Court: This Court shall retain jurisdiction of this action in order to implement and carry out the terms of all orders and decrees, including orders setting the appropriate amounts of restitution and civil monetary penalty, that may be entered herein, to entertain any suitable application or motion for additional relief within the jurisdiction of the Court, to assure compliance with this Consent Order, and for any other purpose relevant to this action.

55. Injunctive and Equitable Relief Provisions: The injunctive and equitable relief provisions of this Consent Order shall be binding upon Defendants, upon any person under their authority or control, and upon any person who receives actual notice of this Consent Order, by

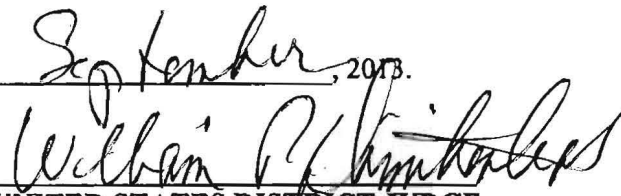
personal service, e-mail, facsimile, or otherwise insofar as he or she is acting in active concert or participation with Defendants.

56. Authority: John P. D'Onofrio hereby warrants that he is Co-Owner and Manager of AmeriFirst Management LLC, and that this Consent Order has been duly authorized by AmeriFirst Management LLC and he has been duly empowered to sign and submit this Consent Order on behalf of AmeriFirst Management LLC.

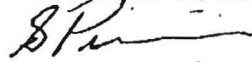
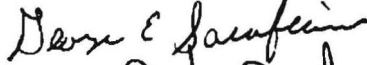

57. Counterparts and Facsimile Execution: This Consent Order may be executed in two or more counterparts, all of which shall be considered one and the same agreement and shall become effective when one or more counterparts have been signed by each of the parties hereto and delivered (by facsimile, e-mail, or otherwise) to the other party, it being understood that all parties need not sign the same counterpart. Any counterpart or other signature to this Consent Order that is delivered by any means shall be deemed for all purposes as constituting good and valid execution and delivery by such party of this Consent Order.

58. Defendants understand that the terms of the Consent Order are enforceable through contempt proceedings, and that in any such proceedings they may not challenge the validity of this Consent Order.

There being no just reason for delay, the Clerk of the Court is hereby directed to enter this *Consent Order of Permanent Injunction and Other Statutory and Equitable Relief Against Defendants AmeriFirst Management LLC, John P. D'Onofrio, George E. Sarafianos, and Scott D. Piccininni.*

IT IS SO ORDERED on this 17 day of September, 2013.

UNITED STATES DISTRICT JUDGE

CONSENTED TO AND APPROVED BY:

John P. D'Onofrio, Co-Owner and Manager
AmeriFirst Management LLC

Date: _____



David Chu
Trial Attorney
U.S. Commodity Futures Trading Commission
525 W. Monroe St. Ste. 1100
Chicago, IL 60661
(312) 596 0642
(312) 596-0714 (facsimile)
dchu@cftc.gov



John P. D'Onofrio, individually


Date: 9/3/13

Date: 9/11/13



George E. Sarafianos, individually

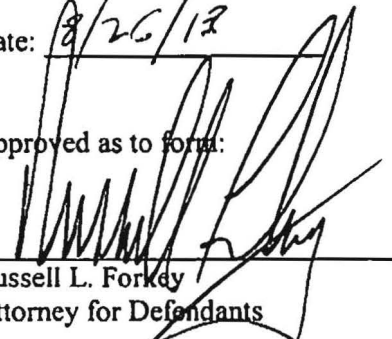
Date: 8/26/13



Scott D. Piccininni, individually

Date: 8/26/13

Approved as to form:



Russell L. Forkey
Attorney for Defendants