

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**SECURITIES EXCHANGE ACT OF 1934**  
**Release No. 72429 / June 18, 2014**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-14641**

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**In the Matter of**

**CHARLES L. RIZZO and**  
**GINA M. HORNBOKEN,**

**Respondents.**

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**NOTICE OF AMENDED**  
**PROPOSED PLAN OF**  
**DISTRIBUTION AND**  
**OPPORTUNITY FOR**  
**COMMENT**

Notice is hereby given, pursuant to Rule 1103 of the Securities and Exchange Commission's ("Commission") Rules on Fair Fund and Disgorgement Plans, 17 C.F.R. § 201.1103, that the Division of Enforcement has submitted to the Commission an amended proposed plan for the distribution of monies placed into a Fair Fund established in the above-captioned matter. On September 30, 2013, the Commission issued a Notice of Proposed Plan of Distribution and Opportunity for Comment (Exchange Act Rel. No. 70573 (Sept. 30, 2013)). The Plan has been amended from the Proposed Distribution Plan previously noticed on September 30, 2013 in order to respond to the comments received and include two additional Eligible Fair Fund recipients

On July 20, 2012, the Commission issued an Order Making Findings and Imposing Remedial Sanctions Pursuant to Section 203(f) of the Investment Advisers Act of 1940 and Section 15(b)(6) of the Securities Exchange Act of 1934 against Charles L. Rizzo ("Rizzo") and Gina M. Hornbogen ("Hornbogen") (collectively, "Respondents") (the "Order") (Exchange Act Rel. No. 67479 (July 20, 2012)). The Order found that Respondents failed reasonably to supervise Steven Salutric ("Salutric"), who, while acting as an investment adviser for Results One Financial, LLC, misappropriated millions of dollars from his advisory clients at Results One.

In the Order, Rizzo was ordered to pay disgorgement of \$35,079, prejudgment interest of \$7,731, and civil penalties of \$130,000, and Hornbogen was ordered to pay disgorgement of \$15,592, prejudgment interest of \$3,467, and civil penalties of \$25,000. The Order created a Fair Fund pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, as amended. The Fair Fund is comprised of the disgorgement, prejudgment interest and penalties ordered to be paid by Respondents, for distribution to clients of Results One who suffered a net loss of funds as a result of Salutric's misappropriation of funds during the period of time, June 1, 2003 through December 31, 2009, when the Respondents failed to reasonably supervise Salutric (collectively, "Eligible Clients").

## **OPPORTUNITY FOR COMMENT**

Pursuant to this Notice, all interested parties are advised that they may obtain a copy of the Amended Proposed Plan of Distribution (the “Amended Plan”) from the Commission’s public website, <http://www.sec.gov>. Interested parties may also obtain a written copy of the Amended Plan by submitting a written request to Nancy Chase Burton, Esq., United States Securities and Exchange Commission, 100 F Street, N.E., Washington, DC 20549-5631. All persons who desire to comment on the Plan may submit their comments, in writing, no later than thirty (30) days from the date of this Notice:

1. To the Office of the Secretary, United States Securities and Exchange Commission, 100 F Street, N.E., Washington, DC 20549-1090;
2. By using the Commission’s Internet comment form (<http://www.sec.gov/litigation/admin.shtml>); or
3. By sending an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov).

Comments submitted by email or via the Commission’s website should include “Administrative Proceeding File Number 3-14641” in the subject line. Comments received will be publicly available. Persons should submit only information that they wish to make publicly available.

## **THE DISTRIBUTION PLAN**

The Fair Fund is comprised of the amounts of disgorgement, prejudgment interest and civil monetary penalties paid by Respondents, less any federal, state, or local taxes and fees and expenses. Rizzo has paid \$172,810 in disgorgement, prejudgment interest and civil monetary penalties, and Hornbogen has paid \$29,202.05 in disgorgement, prejudgment interest, and civil monetary penalties. The remainder of Hornbogen’s payments in the amount of \$14,856.95, plus post-order interest, is to be paid in installments through July 2015. It is anticipated that there will be two disbursements to the Eligible Clients, the latter of which is anticipated to occur after all scheduled payments have been received.

The Amended Plan adds two Eligible Clients and provides for all Eligible Clients to receive monies from the Fair Fund that represents their proportionate share of the distributable amount of the Fair Fund. Eligible Clients will not need to go through a claims process; rather, they will be determined from available records. The Eligible Clients will not be required to make claims or submit documentation to establish their eligibility. The Amended Plan provides that on the basis of information obtained by the Commission staff through review and analysis of applicable records, the Fund Administrator will identify the Eligible Clients. Within thirty (30) days of the Commission’s approval of the Amended Plan, the Fund Administrator will send each Eligible Client a notice by United States Postal Service regarding the Commission’s approval of the Amended Plan, including as appropriate, a statement characterizing the distribution, a link to the Amended Plan posted on the Commission’s website and instructions for requesting a copy of the Amended Plan, a Net Loss Amount calculation and a preliminary Gross Distribution Amount, a

description of the tax information reporting and other related tax matters, the procedure for the distribution as set forth in the Amended Plan, and the name of the Fund Administrator to contact with questions regarding the distribution. The Fund Administrator will coordinate with the appointed Tax Administrator to request information from each Eligible Client that is needed to accomplish the distribution in accordance with applicable tax requirements relating to the Fair Fund.

The Amended Plan provides procedures for Eligible Clients to dispute the amounts received. Disputes will be limited to calculations of disbursement amounts to Eligible Clients. Should an Eligible Client wish to dispute the amount received, an Eligible Client must submit a written communication to the Fund Administrator, Nancy Chase Burton, Esq., United States Securities and Exchange Commission, 100 F Street, N.E., Washington, DC 20549-5631. The Fund Administrator must receive the written communication detailing the dispute along with any supporting documentation within thirty days of the date that an Eligible Client's disbursement is made. The Fund Administrator will investigate the dispute, and such investigation will include a review of the written dispute as well as any supporting documentation. Within thirty days of receipt of the written dispute, the Fund Administrator will notify the Eligible Client of the resolution of the dispute, which shall be final.

By the Commission.

Lynn M. Powalski  
Deputy Secretary