UNITED STATES OF AMERICA Before the SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING File No. 3-20816

:

In the Matter of :

ANITA SGARRO, :

Respondent.

:

DIVISION OF ENFORCEMENT'S REQUEST FOR OFFICIAL NOTICE IN SUPPORT OF ITS MOTION FOR SUMMARY DISPOSITION AGAINST RESPONDENT ANITA SGARRO

The Division of Enforcement ("Division"), pursuant to Rule 323 of the Securities and Exchange Commission's Rules of Practice, requests that official notice¹ be taken of the following exhibits which are part of the record in this parallel criminal proceeding, *United States v. Sizer, et al.*, Case No. 1:16-CR-20715 (S.D. Fla.):

- 1. Exhibit 1: Indictment
- 2. Exhibit 2: Verdict against Anita Sgarro ("Sgarro")
- 3. Exhibit 3: Amended Judgment against Sgarro
- 4. Exhibit 4: Factual Proffer of Miguel Mesa
- 5. Exhibit 5: Factual Proffer of Craig Sizer

¹ See 17 C.F.R. § 201.323 ("Official notice may be taken of any material fact which might be judicially noticed by a district court of the United States . . ."; see also Fed. R. Evid. 201(b)(2) (permitting judicial notice of facts that "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned"); see, e.g., In the Matter of David A. Souza, Exch. Act Rel. No. 3328, 2011 WL 6046243, at *1-2 n. 1 (Dec. 6, 2011) (taking official notice of provisions of district court judgment against respondent).

- 6. Exhibit 6: Trial Testimony of Jeffrey Astgen
- 7. Composite Exhibit 7: Sales scripts
- 8. Exhibit 8: Trial Testimony of Girard Secker
- 9. Exhibit 9: Trial Testimony of Aurelia Ostro
- 10. Composite Exhibit 10: E-mails
- 11. Exhibit 11: Trial Testimony of Juan Perez Ortega

These exhibits are attached to the Division's Motion for Summary Disposition Against Sgarro and the cited portions are highlighted for ease of review.

April 24, 2023

Respectfully submitted,

Moot, Digitally signed by Moot, Stephanie Date: 2023.04.24 12:24:57 -04'00'

Stephanie N. Moot Senior Trial Counsel

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CERTIFICATE OF SERVICE

Pursuant to Rule 150 of the Commission's Rules of Practice, I hereby certify that on April 24, 2023, the foregoing was filed using the eFAP system, and that a true and correct copy of said filing is being served via email on the following persons entitled to notice:

Via Email
Anita Sgarro
Email:

Moot, Digitally signed by Moot, Stephanie
Date: 2023.04.24
12:25:21 -04'00'

Stephanie N. Moot Senior Trial Counsel