

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION

U.S. COMMODITY FUTURES  
TRADING COMMISSION,

Plaintiff,

vs.

DAVID L. ORTIZ,  
GOYEP INTERNATIONAL, INC., and  
ROYAL RETURNS, INC.,

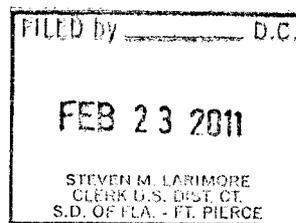
Defendants, and

LOREDANA ORTIZ, and  
NATURAL HEALTH MATTERS,  
L.L.C.,

Relief Defendants.

Civil Action No.:

**11-14063-Civ-MOORE/LYNCH**



COMPLAINT FOR INJUNCTIVE RELIEF, CIVIL MONETARY PENALTIES,  
AND OTHER EQUITABLE RELIEF

Plaintiff, the United States Commodity Futures Trading Commission

(“Commission” or “CFTC”), by its attorneys, alleges as follows:

**I. SUMMARY**

1. From at least May 2008 to the present (the “relevant period”), David L. Ortiz (“Ortiz”), acting individually and/or as an employee, agent, principal and control person of Goyep International, Inc. (“Goyep”) and Royal Returns, Inc. (“Royal Returns”) (collectively, “Defendants”), fraudulently solicited funds from members of the general public for the purported purpose of opening managed accounts to trade off-exchange

retail foreign currency (sometimes referred to herein as “forex”) contracts. The Defendants and Loredana Ortiz (“L. Ortiz”) and her company, Natural Health Matters, L.L.C. (“Natural Health”) (collectively, “Relief Defendants”), accepted funds from at least ten public customers totaling at least \$420,000. Defendants deposited approximately only a third of that sum into forex trading accounts, in which they lost approximately \$114,000. Defendants returned approximately \$74,000 to customers and misappropriated at least \$232,000 of customer funds for their own benefit.

2. Ortiz falsely represented to customers that their funds would be used to trade forex when, in fact, a substantial portion of the customers’ funds were misappropriated by the Defendants for their personal use. In addition, to conceal and perpetuate their fraud, the Defendants falsely reported account values to customers, and misrepresented that the customers’ accounts were increasing in value, when, in fact, Defendants had misappropriated customers’ funds and/or had incurred substantial losses trading forex.

3. Some customers requested and received from Goyep and Ortiz a return of their investment and purported profits, which Goyep and Ortiz provided from funds invested by other customers. Defendants, therefore, are operating a Ponzi scheme.

4. By virtue of this conduct and the conduct further described herein, from June 18, 2008 to the present, Defendants have engaged, are engaging, or are about to engage in acts and practices in violation of provisions of the Commodity Exchange Act (the “Act”), as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII (the CFTC Reauthorization Act of 2008 (“CRA”)), §§ 13101-13204,

122 Stat. 1651 (enacted June 18, 2008), and the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (“Dodd-Frank Act”), Pub. L. No. 111-203, Title VII (the Wall Street Transparency and Accountability Act of 2010), §§ 701-774, 124 Stat. 1376 (enacted July 21, 2010), to be codified at 7 U.S.C. §§ 1 *et seq.*

5. Ortiz, as an employee and agent of Goyep and Royal Returns, committed the acts, omissions and failures described herein within the course and scope of his employment at Goyep and Royal Returns. Goyep and Royal Returns, therefore, are liable under Section 2(a)(1)(B) of the Act, as amended, to be codified at 7 U.S.C. § 2(a)(1)(B), and Commission Regulation (“Regulation”) 1.2, 17 C.F.R. § 1.2 (2010), as principal for their agent, including but not limited to Ortiz’s acts, omissions or failures constituting violations of the Act and Regulations.

6. Ortiz is liable under Section 13(b) of the Act, as amended, to be codified at 7 U.S.C. § 13c(b), as a controlling person of Goyep and Royal Returns for their violations of the Act and Regulations, because he did not act in good faith or knowingly induced, directly or indirectly, the acts constituting the violations.

7. Accordingly, pursuant to Section 6c of the Act, as amended, to be codified at 7 U.S.C. § 13a-1, and Section 2(c)(2) of the Act, as amended by the CRA, to be codified at 7 U.S.C. § 2(c)(2), the Commission brings this action to enjoin Defendants’ unlawful acts and practices and to compel their compliance with the Act and to further enjoin Defendants from engaging in certain commodity and forex-related activity. In addition, the Commission seeks civil monetary penalties and remedial ancillary relief, including, but not limited to, trading and registration bans, restitution, disgorgement,

rescission, pre- and post-judgment interest, and such other relief as the Court may deem necessary and appropriate.

8. Unless restrained and enjoined by this Court, Defendants are likely to continue to engage in the acts and practices alleged in this Complaint and similar acts and practices, as more fully described below.

## **II. JURISDICTION AND VENUE**

9. Section 6c(a) of the Act, as amended, to be codified at 7 U.S.C. § 13a-1(a), authorizes the Commission to seek injunctive relief against any person whenever it shall appear to the Commission that such person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of the Act or any rule, regulation, or order thereunder.

10. The Commission has jurisdiction over the forex transactions at issue in this case pursuant to Section 6c of the Act, as amended, to be codified at 7 U.S.C. § 13a-1, and Section 2(c)(2) of the Act, as amended by the CRA, to be codified at 7 U.S.C. § 2(c)(2).

11. Venue properly lies with the Court pursuant to Section 6c(e) of the Act, as amended, to be codified at 7 U.S.C. § 13a-1(e), because Defendants transacted business in the Southern District of Florida and certain of the transactions, acts, practices, and courses of business alleged occurred, are occurring, and/or are about to occur within this District.

### III. PARTIES

12. Plaintiff **Commodity Futures Trading Commission** is an independent federal regulatory agency that is charged by Congress with the administration and enforcement of the Act, as amended, to be codified at 7 U.S.C. §§ 1 *et seq.*, and the Regulations, 17 C.F.R. §§ 1.1 *et seq.*

13. Defendant **David L. Ortiz** resides in Vero Beach, Florida, and for some of the relevant time period resided in Pembroke Pines, Florida. Ortiz is the director and chief executive officer (“CEO”) of Goyep and the president of Royal Returns. At all material times, Ortiz controlled Goyep’s and Royal Return’s bank accounts. As Goyep’s CEO, Ortiz opened and managed all of Goyep’s trading accounts. Ortiz also controlled all aspects of Goyep’s and Royal Return’s solicitations including controlling their internet promotional materials. Therefore, Ortiz is a controlling person of both Goyep and Royal Return and held himself out to the public as such. Ortiz has never been registered with the Commission.

14. Defendant **Goyep International, Inc.** is a Florida corporation created on July 31, 2008, with its principal place of business in Vero Beach, Florida, at Ortiz’s residential address. Goyep also conducted business at Ortiz’ prior residential address in Pembroke Pines and has operated a website under the name “Forex Futures Trader.” Goyep has never been registered with the CFTC.

15. Defendant **Royal Returns, Inc.** is a Florida corporation created on December 10, 2004, and involuntarily dissolved on September 16, 2005, but which has continued to engage in business. Royal Returns’ principal place of business is in

Hollywood, Florida, and it also conducted business at Ortiz's residential addresses in Vero Beach and Pembroke Pines. Royal Returns has never been registered with the CFTC.

16. Relief Defendant **Loredana Ortiz** resides in Vero Beach, Florida, at the same residential address as Ortiz, and for some of the relevant time period resided at Ortiz' residence in Pembroke Pines. L. Ortiz is the manager of Natural Health and was an Assistant Director of Royal Returns, a co-signer on Royal Returns' bank account at the Bank of America ("BOA"), and shared control over the trading for one of Goyep's futures trading accounts. L. Ortiz has never been registered with the CFTC.

17. Relief Defendant **Natural Health Matters, L.L.C.** is a Florida limited liability company whose manager is L. Ortiz. Natural Health has its principal place of business in Pembroke Pines but also does business at Ortiz's residential address in Vero Beach. At the time of its formation, Natural Health represented that its business purpose was "holistic health care and freelancing services." Natural Health has never been registered with the CFTC.

#### IV. FACTS

##### A. **Statutory Background**

18. A retail forex customer ("RFC") is defined in Regulation 5.1(k), to be codified at 17 C.F.R. § 5.1(k), as a person, other than an eligible contract participant ("ECP"), acting on its own behalf and trading forex.

20. Eligible contract participants ("ECP") are generally defined in Section 1a of the Act, as amended, to be codified at 7 U.S.C. § 1a as financial institutions, insurance

companies, investment companies subject to regulation under the Investment Company Act of 1940, certain commodity pools with \$5 million or more of assets, certain organizations with, generally, \$10 million or more of assets, Employee Retirement Income Security Act of 1974 (“ERISA”) plans with \$5 million or more of assets, certain governmental entities, certain broker-dealers and investment banks, futures commission merchants (“FCMs”), floor brokers, individuals with generally \$10 million or more of assets, certain brokers or investment advisers.

21. The term commodity trading advisor (“CTA”) is defined, in relevant part, in Regulation 5.1(e)(1), to be codified at 17 C.F.R. § 5.1(e)(1), as any person who “exercises discretionary trading authority or obtains written authorization to exercise discretionary trading authority” over any account for or on behalf of any person that is not an ECP, in connection with retail forex transactions.

22. The term associated person (“AP”) of a CTA is defined, in relevant part, in Regulation 5.1(e)(2), to be codified at 17 C.F.R. § 5.1(e)(2), as any natural person associated with a CTA as a partner, officer, employee, consultant or agent in any capacity which involves “the solicitation of a client’s or prospective client’s discretionary account.”

**B. Defendants’ Operations**

23. Beginning in at least May 2008, Royal Returns, by and through Ortiz, began soliciting members of the general public in south Florida as well as his personal acquaintances to trade forex.

24. Sometime after Goyep became incorporated in July 2008, Ortiz expanded his solicitation efforts throughout the United States by advertising Goyep on the internet through at least two internet websites, each of whose domain names were registered to Royal Returns.

25. Since May 2008, Royal Returns and Goyep have solicited at least ten customers who have invested at least \$420,000 dollars to trade forex.

26. Ortiz variously instructed customers to send their investment funds to Royal Returns, Goyep, Ortiz's personal bank account or to Natural Health.

27. Ortiz also told customers that they would have individual managed trading accounts and that Royal Returns or Goyep would be responsible for the trading activity.

28. At all relevant times, the Defendants have represented on [www.forexfuturetrader.com](http://www.forexfuturetrader.com), a Goyep website owned by Royal Returns and administered by Ortiz, that they were offering "Individually Managed Accounts" to customers to trade forex.

**C. Defendants' False Representations and Omissions**

29. Ortiz made false representations to customers and prospective customers to persuade them to invest or to add to their investment amount. For instance, Ortiz told Royal Returns and Goyep customers that they were guaranteed a profit of 10% per month. Defendants falsely represented that these returns on investment would be produced by successful forex trading, when, in fact, nearly all of Defendants' forex trading resulted in substantial losses.

30. The Defendants also falsely represented on the Goyep website that Ortiz is registered with the Securities and Exchange Commission (“SEC”), when, in fact, Ortiz has never been registered with the SEC. The website also included the Defendants’ claim that Goyep has “over thirty years of investment experience,” when, in fact, Goyep has been in existence less than three years, and Ortiz has only two to three years of forex trading experience.

31. Ortiz falsely told customers that he would refund their investment deposits if requested to do so when, in fact, he simply paid customers who demanded a return of their principal with funds invested by other customers. Defendants, therefore, are operating a Ponzi scheme. Further, in at least one instance, Ortiz paid a Royal Returns customer purported “profits” on his investment using the customer’s own investment principal.

32. Ortiz also persuaded some customers not to withdraw their principal or purported monthly earnings by falsely telling them that doing so would result in significant trading losses due to a premature liquidation of open trading positions.

**D. Goyep’s Actual Trading Losses and Misappropriation of Customer Funds**

33. Out of the at least \$420,000 customers gave the Defendants to trade forex, the Defendants deposited approximately one third of the customer funds into four trading accounts in Goyep’s name, and lost approximately \$114,000 trading forex. The Defendants also returned at least \$74,000 to customers. The Defendants misappropriated the remaining sum of at least \$232,000 by, for example, using the funds for personal shopping at retail department stores, travel, resort hotels, restaurants, utility bills, personal credit cards and car payments, and by sending, or having some customers send

their funds directly, to the Relief Defendants, who also did not use those funds for forex trading.

**E. Defendants' Issuance of False Statements to Customers**

34. To conceal and perpetuate their fraud, the Defendants issued monthly account statements that falsely reported customer earnings and account balances. Ortiz issued these false statements to customers who invested in Goyep by posting them on Royal Return's websites that customers accessed through personal passwords supplied by Ortiz or by simply sending customers an email reporting their account status. Ortiz also issued at least one statement under the name "Forex Futures Trader" to a Goyep customer by posting it on the website owned by Royal Returns, [www.forexfuturestrader.com](http://www.forexfuturestrader.com). These account statements reported purported profits that were inconsistent with the monthly returns the Defendants actually realized from their forex trading.

35. The account statements Defendants issued to customers failed to disclose that Defendants were experiencing substantial trading losses and were misappropriating customer funds.

**F. Defendants' Inability to Repay Customers**

36. In August 2009, a customer contacted Ortiz to close her two-month old Goyep investment account. Ortiz initially delayed reimbursing her by explaining that he could not do so due to multiple factors beyond his control, and for a period of several weeks, simply ignored her repeated phone calls and emails. Ortiz eventually sent this customer a check that the customer could not negotiate due to insufficient funds in the

account upon which it was drawn. By late October 2009, more than eight weeks later, Ortiz wired a refund to this customer with funds from another investor.

37. On information and belief, current customers are not able to withdraw their investment funds from Defendants as such funds have either been lost trading, paid to other customers or misappropriated.

**V. VIOLATIONS OF THE COMMODITY EXCHANGE ACT**

**COUNT I**

**Violations of Sections 4b(a)(2)(A)-(C) of the Act, as amended by the CRA,  
to be codified at 7 U.S.C. §§ 6b(a)(2)(A)-(C)  
(Fraud in Connection with Forex)  
(All Defendants)**

38. The allegations set forth in paragraphs 1 through 37 are realleged and incorporated herein by reference.

39. Sections 4b(a)(2)(A)-(C) of the Act, as amended by the CRA, to be codified at 7 U.S.C. §§ 6b(a)(2)(A)-(C), make it unlawful:

for any 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, other than on or subject to the rules of a designated contract market – (A) to cheat or defraud or attempt to cheat or defraud the other person; (B) willfully to make or cause to be made to the other person any false report or statement or willfully to enter or cause to be entered for the other person any false record; (C) willfully to deceive or attempt to deceive the other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for or, in the case of paragraph (2), with the other person.

Sections 4b(a)(2)(A)-(C) of the Act, as amended, by the CRA apply to Defendants' foreign currency transactions, agreements or contracts offered by Defendants.

40. As set forth above, from at least June 18, 2008, through the present, in or in connection with foreign currency contracts, made, or to be made, for or on behalf of other persons, Defendants cheated or defrauded, or attempted to cheat or defraud, customers or prospective customers and willfully deceived or attempted to deceive customers or prospective customers by, among other things, knowingly: (a) fraudulently soliciting customers and prospective customers by telling them that they were guaranteed a profit of 10% per month, that Ortiz was registered with the SEC, and that Goyep has over thirty years of investment experience; (b) misappropriating customer funds that purportedly were to be used to trade forex; (c) misrepresenting forex trading activity that purportedly occurred on behalf of customers, including by knowingly providing some customers with account statements that misrepresented the value of the customers' investment or claiming that Defendants' trading was producing profits when, in fact, it was not; (d) misrepresenting that Defendants would refund customer deposits when, in fact, they repaid customers with funds invested by other customers, all in violation of Sections 4b(a)(2)(A)-(C) of the Act, as amended by the CRA, to be codified at 7 U.S.C. §§ 6b(a)(2)(A)-(C).

41. Ortiz engaged in the acts and practices described above knowingly or with reckless disregard for the truth.

42. Ortiz controlled Goyep and Royal Returns, directly or indirectly, and did not act in good faith or knowingly induced, directly or indirectly, Goyep's and Royal

Return's conduct alleged in this Count. Therefore, pursuant to Section 13(b) of the Act, as amended, to be codified at 7 U.S.C. § 13c(b), Ortiz is liable for Goyep's and Royal Return's violations of Sections 4b(a)(2)(A)-(C) of the Act, as amended by the CRA, to be codified at 7 U.S.C. §§ 6b(a)(2)(A)-(C).

43. The foregoing acts, misrepresentations and omissions of Ortiz occurred within the scope of his employment, office or agency with Goyep and Royal Returns; therefore, Goyep and Royal Returns are liable for these acts, misrepresentations and omissions pursuant to Section 2(a)(1)(B) of the Act, as amended, to be codified at 7 U.S.C. § 2(a)(1)(B), and Regulation 1.2, 17 C.F.R. § 1.2 (2010).

44. Each act of misappropriation, misrepresentation or omission of material fact, including but not limited to those specifically alleged herein, is alleged as a separate and distinct violation of Sections 4b(a)(2)(A)-(C) of the Act, as amended by the CRA, to be codified at 7 U.S.C. §§ 6b(a)(2)(A)-(C).

## **COUNT II**

### **Violation of Section 5.3(a)(3)(i) of the Regulations** **(Failure to Register as a Commodity Trading Advisor)** **(Ortiz and Goyep)**

45. The allegations set forth in paragraphs 1 through 44 are realleged and incorporated herein by reference.

46. Goyep is in the business of advising customers as to the advisability of retail forex trading and has managed and directed the retail forex trading on behalf of its

customers. Goyep also holds itself out as a CTA to the public. By such conduct, Goyep acted as a CTA.

47. Goyep's customers were generally individual investors or small corporate entities with limited asset holdings far less than \$10 million, and, as such, fell outside of the definition of an ECP as set forth in paragraph 20 above.

48. From October 18, 2010 to the present, Goyep engaged and continues to engage in activities as a CTA without benefit of registration, in violation of Regulation 5.3(a)(3)(i), to be codified at 17 C.F.R. § 5.3 (a)(3)(i).

49. Ortiz controls Goyep, directly or indirectly, and did not act in good faith or knowingly induced, directly or indirectly, Goyep's conduct alleged in this Count; therefore, pursuant to Section 13(b) of the Act, as amended, to be codified at 7 U.S.C. § 13c(b), Ortiz is liable for Goyep's violations of Regulation 5.3(a)(3)(i), to be codified at 17 C.F.R. § 5.3(a)(3)(i).

50. Each day that Goyep failed to register as a CTA since October 18, 2010, is alleged as a separate and distinct violation of Regulation 5.3(a)(3)(i).

### **COUNT III**

#### **Violations of Section 5.3(a)(3)(ii) of the Regulations** **(Acting as an Unregistered Associated Person** **(Ortiz and Goyep)**

51. The allegations set forth in paragraphs 1 through 50 are realleged and incorporated herein by reference.

52. From October 18, 2010 to the present, in soliciting persons for off-exchange retail foreign currency trading on behalf of Goyep while associated with

Goyep, Ortiz acted as an AP of Goyep without the benefit of registration, in violation of Regulation 5.3(a)(3)(ii), to be codified at 17 C.F.R. § 5.3(a)(3)(ii).

53. The foregoing failure of Ortiz to register as an AP occurred within the scope of Ortiz's employment or office with Goyep. Goyep is therefore liable for Ortiz' acts and failures in violation of Regulation 5.3(a)(3)(ii) pursuant to Section 2(a)(1)(B) of the Act, as amended, to be codified at 7 U.S.C. § 2(a)(1)(B), and Regulation 1.2, 17 C.F.R. § 1.2 (2010).

54. Each day that Ortiz failed to register as an AP of a CTA since October 18, 2010, is alleged as a separate and distinct violation of Regulation 5.3(a)(3)(ii).

#### **COUNT IV**

##### **Disgorgement of Funds from the Relief Defendants (L. Ortiz and Natural Health)**

55. Paragraphs 1 through 54 are re-alleged and incorporated herein.

56. During the relevant period, L. Ortiz and Natural Health, the Relief Defendants, received customer funds intended for, or related to, forex investing with Goyep or Royal Returns.

57. The Relief Defendants had no legitimate entitlement to or interest in the funds.

58. The Relief Defendants will be unjustly enriched if they are not required to disgorge the customer funds they received.

59. The Relief Defendants should be required to disgorge any funds they received that are traceable to customers who invested with the Defendants that were intended to be used to trade forex.

**VI. RELIEF REQUESTED**

**WHEREFORE**, the CFTC respectfully requests that the Court, as authorized by Section 6c of the Act, as amended, to be codified at 7 U.S.C. § 13a-1, and pursuant to its own equitable powers enter:

A. An order finding that Defendants violated Sections 4b(a)(2)(A)-(C) of the Act, as amended by the CRA, to be codified at 7 U.S.C. §§ 6b(a)(2)(A)-(C);

B. An order finding that Defendants Goyep and Ortiz violated Sections 5.3(a)(3)(i) and (ii) of Regulations, to be codified at 17 C.F.R. §§ 5.3(a)(3)(i) and (ii);

C. An order of permanent injunction prohibiting Defendants, and any of their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with them, from engaging, directly or indirectly, in conduct in violation of Sections 4b(a)(2)(A)-(C) of the Act, as amended by the CRA and the Dodd-Frank Act, to be codified at 7 U.S.C. §§ 6b(a)(2)(A)-(C);

D. An order of permanent injunction prohibiting Defendants Ortiz and Goyep, and any of their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with them, from engaging, directly or indirectly, in conduct in violation of Sections 5.3(a)(3)(i) and (ii) of the Regulations, to be codified at 17 C.F.R. §§ 5.3(a)(3)(i) and (ii);

E. An order of permanent injunction prohibiting Defendants, and any of their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with them, from:

1. trading on or subject to the rules of any registered entity (as that term is defined in Section 1a of the Act, as amended, to be codified at 7 U.S.C. § 1a;
2. entering into any transactions involving commodity futures, options on commodity futures, commodity options (as that term is defined in Regulation 32.1(b)(1), 17 C.F.R. § 32.1(b)(1) (2010)) (“commodity options”), and/or foreign currency (as described in Sections 2(c)(2)(B) and 2(c)(2)(C)(i) of the Act, as amended) (“forex contracts”) for their own personal account or for any account in which they have a direct or indirect interest;
3. having any commodity futures, options on commodity futures, commodity options, and/or forex contracts traded on their behalf;
4. 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, and/or forex contracts;
5. 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, and/or forex contracts;
6. 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) (2010);

7. acting as a principal (as that term is defined in Regulation 3.1(a), 17 C.F.R. § 3.1(a)(2010)), agent or any other officer or employee of any person 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) (2010);

F. An order pursuant to Section 6c(a) of the Act restraining Defendants and all persons insofar as they are acting in the capacity of Defendants' agents, servants, successors, employees, assigns, and attorneys, and all persons insofar as they are acting in active concert or participation with them who receive actual notice of such order by personal service or otherwise, from directly or indirectly:

1. Destroying, mutilating, concealing, altering or disposing of any books and records, documents, correspondence, brochures, manuals, electronically stored data, tape records or other property of Defendants or Relief Defendants, wherever located, including all such records concerning Defendants' or Relief Defendants' business operations;
2. Refusing to permit authorized representatives of the Commission to inspect, when and as requested, any books and records, documents, correspondence, brochures, manuals, electronically stored data, tape records or other property of the Defendants or Relief Defendants, wherever located, including all such records concerning Defendants' or Relief Defendants' business operations; and
3. Withdrawing, transferring, removing, dissipating, concealing or disposing of, in any manner, any funds, assets, or other property, wherever situated, including but not limited to, all funds, personal property, money or securities held in safes, safety deposit boxes and all funds on deposit in any financial institution, bank or savings and loan account, whether domestic or foreign, held by, under the control, or in the name of the Defendants or Relief Defendants;

G. An order directing that Defendants and Relief Defendants, and any successors thereof, provide the Plaintiff immediate and continuing access to their books and records, make an accounting to the Court of all of their assets and liabilities, together with all funds they received from and paid to investors and other persons in connection with transactions involving commodity futures, options on commodity futures, commodity options and/or forex contracts, including the names, mailing addresses, email addresses and telephone numbers of any such persons from whom they received such funds from January 1, 2008 to the date of such accounting, and all disbursements for any purpose whatsoever of funds received from pool participants, including salaries, commissions, fees, loans and other disbursements of money and property of any kind, from January 1, 2008 to and including the date of such accounting. At a minimum, the accounting should include a chronological schedule of all cash receipts and cash disbursements. In addition, each transaction shall be classified as business or personal. All business transactions shall disclose the business purpose of the transaction. The accounting shall be provided in an electronic format such as Quicken, Excel, or other accounting or electronic format spreadsheet. In addition, the Defendants and Relief Defendants shall supply true and accurate copies of any balance sheets, income statements, statement of cash flow, or statement of ownership equity previously prepared for the Defendants' and Relief Defendants' business(es);

H. An order requiring Defendants and Relief Defendants immediately to identify and provide an accounting in the same manner as described above, for all assets and property that they currently maintain outside the United States, including, but not

limited to, all funds on deposit in any financial institution, futures commission merchant, bank, or savings and loan accounts held by, under the control of, or in the name of David Ortiz, Goyep, Royal Returns, L. Ortiz and Natural Health or their nominees, whether held jointly or otherwise, and requiring them to repatriate all funds held in such accounts by paying them to the Clerk of the Court, or as otherwise ordered by the Court, for further disposition in this case;

I. An order requiring Defendants, Relief Defendants, and any third party transferee and/or successors thereof, to disgorge, pursuant to such procedures as the Court may order, all benefits received including, but not limited to, salaries, commissions, loans, fees, revenues and trading profits derived, directly or indirectly, from the acts or practices which constitute violations of the Act and Regulations, as described herein, including pre- and post-judgment interest thereon from the date of such violations;

J. An order requiring Defendants to make restitution by making whole each and every customer whose funds were received or utilized by them in violation of the provisions of the Act as described herein, including pre- and post-judgment interest from the date of such violations;

K. An order directing the Defendants and any successors thereof, to rescind, pursuant to such procedures as the Court may order, all contracts and agreements, whether implied or express, entered into between them and any of the customers whose funds were received by them as a result of the acts and practices which constituted violations of the Act and Regulations, as described herein;

L. Enter an order directing each Defendant to pay a civil monetary penalty in the amount of the higher of \$140,000 for each violation of the Act committed on or after October 23, 2008; \$130,000 for each violation of the Act committed before October 23, 2008; or triple the monetary gain to each Defendant for each violation of the Act described herein, plus post-judgment interest;

M. Enter an order requiring Defendants to pay costs and fees as permitted by 28 U.S.C. §§ 1920 and 2412(a)(2) (2006); and

N. Enter an order providing such other and further relief as this Court may deem necessary and appropriate under the circumstances.

Date: February 23, 2011

Respectfully submitted,

  
/s/Susan B. Padove

Senior Trial Attorney  
Trial Counsel  
Florida Special Bar # A5500983

/s/Elizabeth M. Streit  
Chief Trial Attorney  
Florida Special Bar # A5501588

/s/Rosemary Hollinger  
Regional Counsel  
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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

**I. (a) PLAINTIFFS**

U.S. Commodity Futures Trading Commission

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Susan Padove, U.S. Commodity Futures Trading Commission  
 525 W. Monroe, Suite 1100  
 Chicago, IL 60661 (312) 596-0544

**DEFENDANTS**

David L. Ortiz, Goyep International, Inc., and Royal Returns, Inc.  
 Relief Defendants: Loredana Ortiz and Natural Health Matters, LLC

County of Residence of First Listed Defendant Indian River  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

(d) Check County Where Action Arose:  MIAMI-DADE  MONROE  BROWARD  PALM BEACH  MARTIN  ST. LUCIE  INDIAN RIVER  OKEECHOBEE HIGHLANDS

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff  
 2 U.S. Government Defendant  
 3 Federal Question (U.S. Government Not a Party)  
 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff)	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> Energy Allocation Act <input type="checkbox"/> Freedom of Information Act <input type="checkbox"/> Appeal of Fee Determination for Equal Access to Justice <input type="checkbox"/> Constitutionality of State statutes <input type="checkbox"/> Appeal to District Judge from Magistrate Judgment
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

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**Feb. 23, 2011**  
 STEVEN M. LARIMORE  
 CLERK U.S. DIST. CT.  
 S. D. OF FLA. - MIAMI

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding  
 2 Removed from State Court  
 3 Re-filed (see VI below)  
 4 Reinstated or Reopened  
 5 Transferred to another district (specify) \_\_\_\_\_  
 7 Appeal to District Judge from Magistrate Judgment

**VI. RELATED/RE-FILED CASE(S).**

(See instructions second page):  
 a) Re-filed Case  YES  NO  
 b) Related Cases  YES  NO  
 JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

**VII. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

7 U.S.C. 1 - Violations of the Commodity Exchange Act  
 LENGTH OF TRIAL via \_\_\_\_\_ days estimated (for both sides to try entire case)

**VIII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  
**DEMAND \$** \_\_\_\_\_  
 CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

*Susan B. Padove*

DATE

2-23-11

FOR OFFICE USE ONLY

AMOUNT \_\_\_\_\_ RECEIPT # \_\_\_\_\_ IFP \_\_\_\_\_