

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

RACHEL LARRALDE as personal
representative of the Estate of Rene
Larralde, JUAN PABLO VALCARCE,
BRIAN EARLY, ALISHA ANN
KINGREY, and FUNDSZ.

Defendants.

Case No: 6:23CV1445

District Judge Moe
Magistrate Judge Irick

**CONSENT ORDER FOR PERMANENT INJUNCTION AND
OTHER EQUITABLE RELIEF AGAINST DEFENDANT JUAN PABLO VALCARCE**

I. INTRODUCTION

On July 31, 2023, Plaintiff Commodity Futures Trading Commission (“Commission” or “CFTC”) filed a Complaint against Defendants Rene Larralde, Juan Pablo Valcarce, Brian Early, Alisha Ann Kingrey, and the unincorporated entity Funds, seeking injunctive and other equitable relief, as well as the imposition of civil penalties, for violations of the Commodity Exchange Act (“Act”), [7 U.S.C. §§ 1–26](#), and the Commission’s Regulations (“Regulations”) promulgated thereunder, 17 C.F.R. pts. 1–190 (2024). (Doc 1).

On August 2, 2023, the Court entered an *ex parte* Statutory Restraining Order against all Defendants and appointed a temporary receiver. (Doc 11). On August 23, 2023, the Court entered a Consent Order for Preliminary Injunction against all Defendants. (Doc 43).

II. CONSENTS AND AGREEMENTS

To effect settlement of all charges alleged in the Complaint against Defendant Valcarce without a trial on the merits or any further judicial proceedings, Defendant Valcarce:

1. Consents to the entry of this Consent Order for Permanent Injunction, Restitution, and Other Equitable Relief Against Defendant Valcarce (“Consent Order”);
2. Affirms that he has 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. Acknowledges service of the summons and Complaint;
4. Admits the jurisdiction of this Court over him and the subject matter of this action pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1;
5. Admits the jurisdiction of the Commission over the conduct and transactions at issue in this action pursuant to the Act;
6. Admits that venue properly lies with this Court pursuant to 7 U.S.C. § 13a-1(e);
7. Waives:
 - (a) Any and all claims that he may possess under the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and/or the rules promulgated by the Commission in conformity therewith, Part 148 of the Regulations, 17 C.F.R. pt. 148 (2024), relating to, or arising from, this action;
 - (b) Any and all claims that he may possess under the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. No. 104-121, tit. II, §§ 201–253, 110 Stat. 847, 857–74 (codified as amended at 28 U.S.C. § 2412 and in scattered sections of 5 U.S.C. and 15 U.S.C.), 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 action;

8. Acknowledges that he is not a prevailing party in this action for purposes of the waiver of any and all rights under the Equal Access to Justice Act as specified in subpart a of the preceding paragraph;

9. Consents to the continued jurisdiction of this Court over him for the purpose of implementing and enforcing the terms and conditions of this Consent Order and for any other purpose relevant to this action, even if Valcarce now or in the future resides outside the jurisdiction of this Court;

10. Agrees that he will not oppose enforcement of this Consent Order on the ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure and hereby waives any objection based thereon;

11. Agrees that neither he nor any of his agents or employees under his authority or control shall take any action or make any public statement denying, directly or indirectly, any allegation in the Complaint or the Findings of Fact or Conclusions of Law 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 Valcarce's and/or his agents' and/or employees':

(a) testimonial obligations, or (b) right to take legal positions in other proceedings to which the Commission is not a party. Valcarce shall comply with this agreement, and shall undertake all steps necessary to ensure that all of his agents and/or employees under his authority or control understand and comply with this agreement;

12. Consents to the entry of this Consent Order without admitting or denying the allegations of the Complaint or any findings or conclusions in this Consent Order, except as to jurisdiction and venue, which he admits;
13. Consents to the use of the findings and conclusions in this Consent Order in this proceeding and in any other proceeding brought by the Commission or to which the Commission is a party or claimant, and agrees that they shall be taken as true and correct and be given preclusive effect therein, without further proof;
14. Does not consent, however, to the use of this Consent Order, or the findings and conclusions herein, as the sole basis for any other proceeding brought by the Commission or to which the Commission is a party, other than a: statutory disqualification proceeding; proceeding in bankruptcy, or receivership; or proceeding to enforce the terms of this Order; and
15. Agrees 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 Valcarce in any other proceeding.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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 Findings of Fact, Conclusions of Law, Permanent Injunction and Other Equitable Relief pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1, as set forth herein. The findings and conclusions in this Consent Order are not binding on any other party to this action.

THE PARTIES AGREE AND THE COURT HEREBY FINDS:

A. Findings of Fact

a. The Parties to this Consent Order

16. Plaintiff Commodity Futures Trading Commission is an independent federal regulatory agency that is charged by Congress with administering and enforcing the Act and the Regulations.

17. Defendant **Juan Pablo Valcarce** resides in Ooltewah, Tennessee. Valcarce has never been registered with the CFTC in any capacity.

b. Background

18. In early 2022, Executive A, an executive of Fundsz, hired Valcarce to market Fundsz and agreed to pay him on a salary basis. Prior to this time, Valcarce had never met Executive A.

19. Valcarce was given a place on the Fundsz “advisory board” and the title of Chairman of the Board. Despite Valcarce’s title, Executive A remained in control of Fundsz, including controlling all funds contributed by Fundsz participants.

20. Valcarce’s primary responsibility was to promote Fundsz. He created dozens of videos describing Fundsz and encouraging potential participants to join and contribute.

21. Valcarce also participated in interviews conducted by other online influencers and marketers of digital assets not publicly affiliated with Fundsz in which he promoted Fundsz and encouraged potential participants to join and contribute.

22. Valcarce also attended and spoke at in-person meetings in which, using materials and information provided by Executive A, he encouraged potential participants to join Fundsz.

23. Valcarce resigned from his job with Fundsz in approximately June 2023, after receiving a subpoena from the CFTC.

c. Valcarce's Solicitations

24. From at least February 2022 through June 2023, Valcarce solicited participants to contribute to Fundsz through a website, www.fundsz.com, on videos, webinars, in-person conferences and through fund documents provided to participants and potential participants. The Fundsz website claimed that the platform "utilize[d] revolutionary blockchain technology that empowers individuals, charities and organizations to raise recurring, unrestricted and sustainable income."

d. Defendant Valcarce Made False and Misleading Statements and/or Material Omissions

25. Commencing in at least February 2022, Defendant Valcarce intentionally or recklessly made false and misleading statements and/or omissions of material facts in soliciting participants and potential participants.

26. Defendant Valcarce disseminated marketing materials stating that participants had received and would continue to receive returns of over 3% per week on average, and that Fundsz had historically achieved steady profits between 2.9% and 3.55% each week. Valcarce claimed that Fundsz was able to attain such consistent profits by trading in digital asset commodities and precious metals that are commodities. Each of these statements was false.

27. On one webinar, another defendant claimed that \$589 contributed to Fundsz would increase in value to \$300,000 in four years, and that a \$10,000 contribution would increase in value to more than \$5 million within four years. Defendant Valcarce then assured potential participants that "this is all 100% real" and stated that Fundsz had

historically achieved these returns. Defendant Valcarce recommended that participants not withdraw anything in order to maximize their earnings.

28. Defendant Valcarce represented that Fundsz participants would be paid a share of Fundsz's "profits," and that they would "make money while [they] sleep." He claimed that Fundsz was obtaining returns of 3% per week, stating: "three percent a week, absolutely, you heard correctly." These statements were false.

29. Throughout his tenure with Fundsz, Valcarce omitted to disclose that he knew nothing about what actually happened with participants' funds, and did not even know whether Fundsz was profitable. Despite this, Valcarce, at Executive A's direction, solicited participants and potential participants using marketing materials that claimed Fundsz was profiting by more than 3% per week.

30. Valcarce did nothing to ensure that the statements he made to participants about how their funds would be used were true.

31. Valcarce did nothing to ensure that the statements he made to participants and potential participants about past and anticipated future profits were true. To the contrary, when facially implausible claims were made—such that a contribution of \$10,000 was likely to be worth over \$5 million in four years—Valcarce falsely assured participants and potential participants that "this is all 100% real."

e. Accepting Customer Deposits

32. During Fundsz's existence, Defendants accepted more than \$21 million in participant contributions.

33. In connection with his employment, Valcarce received a total of \$69,135 in salary for his work on Fundsz.

B. Conclusions of Law

Jurisdiction and Venue

34. This Court possesses jurisdiction over this action pursuant to 28 U.S.C. § 1331 (codifying federal question jurisdiction) and 28 U.S.C. § 1345 (providing that U.S. district courts have original jurisdiction over civil actions commenced by the United States or by any agency expressly authorized to sue by Act of Congress). Section 6(c) of the Act, 7 U.S.C. § 13a-1(a), provides that the Commission may bring actions for injunctive relief or to enforce compliance with the Act or any rule, regulation, or order thereunder in the proper district court of the United States 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 thereunder.

35. Venue properly lies with this Court pursuant to 7 U.S.C. § 13a-1(e), because Valcarce's acts and practices in violation of the Act occurred within this District.

Violations of Section 6(c)(1) of the Act, 7 U.S.C. § 9(1), and Regulation 180.1(a)(1)-(3), 17 C.F.R. § 180.1(a)(1)-(3) (2024): Fraud by material misrepresentations and omissions

36. By the conduct described in paragraphs 1 through 33 above, Valcarce violated 7 U.S.C. § 9(1) and 17 C.F.R. § 180.1(a)(1)-(3), by, among other things, in connection with contracts of sale of commodities in interstate commerce, intentionally or recklessly: (1) using or employing or attempting to use or employ a manipulative or deceptive device or contrivance or manipulative device, scheme, or artifice to defraud participants; (2) making or attempting to make untrue or misleading statements of material fact or omitting to state or attempting to omit to state material facts necessary in order to make

statements made not untrue or misleading, such as making misrepresentations to Fundsz participants about Fundsz's historical performance and fee structure; and (3) engaging or attempting to engage in acts, practices, or courses of business which operated or would operate as a fraud or deceit upon participants.

37. Each and every overt action in furtherance of the use or attempted use of a manipulative or deceptive device or contrivance is alleged herein as a separate and distinct violation of 7 U.S.C. § 9(1) and 17 C.F.R. § 180.1(a).

38. Unless restrained and enjoined by this Court, there is a reasonable likelihood that Valcarce 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.

IV. PERMANENT INJUNCTION

IT IS HEREBY ORDERED THAT:

39. Based upon and in connection with the foregoing conduct, pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1, Valcarce is permanently restrained, enjoined and prohibited from directly or indirectly, in connection with any contract of sale of any commodity in interstate commerce: (1) using or employing, or attempting to use or employ, any manipulative device, scheme, or artifice to defraud; (2) making, or attempting to make, any untrue or misleading statement of a material fact or omitting to state a material fact necessary in order to make statements made not untrue or misleading; or (3) engaging, or attempting to engage, in any act, practice, or course of business, which operate or would operate as a fraud or deceit upon any person, in violation of Section 6(c)(1) of the Act, 7 U.S.C. § 9(1), and Regulation 180.1(a)(1)–(3), 17 C.F.R. § 180.1(a)(1)–(3) (2024);

40. Valcarce is 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(40) of the Act, [7 U.S.C. § 1a\(40\)](#));
- b. Entering into any transactions involving “commodity interests” (as that term is defined in Regulation 1.3, [17 C.F.R. § 1.3](#) (2024)), digital asset commodities, or precious metals that are commodities for his own personal account or for any account in which he has a direct or indirect interest;
- c. Having any commodity interests, digital asset commodities, or precious metals that are commodities traded on his 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 interests, digital asset commodities, or precious metals that are commodities;
- e. Soliciting, receiving or accepting any funds from any person for the purpose of purchasing or selling any commodity interests, digital asset commodities, or precious metals that are commodities;
- 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\(a\)\(9\)](#) (2024); and/or

- g. Acting as a principal (as that term is defined in Regulation 3.1(a), 17 C.F.R. § 3.1(a) (2024)), agent or officer or employee of any person (as that term is defined in Section 1a(38) of the Act, 7 U.S.C. § 1a(38)), registered, exempted from registration or required to be registered with the Commission except as provided for in 17 C.F.R. § 4.14(a)(9).

A. Cooperation

41. Valcarce shall cooperate fully and expeditiously with the Commission, including the Commission's Division of Enforcement and any other governmental agency or any self-regulatory organization, in this action, and in any current or future Commission investigation or action related thereto. Valcarce shall also cooperate in any investigation, civil litigation, or administrative matter related to, or arising from, this action. As part of such cooperation, Valcarce agrees to:

- a. Preserve and produce to the Commission in a responsive and prompt manner all relevant, non-privileged documents, information and other materials, wherever located in the possession, custody or control of Valcarce;
- b. Utilize his knowledge and skill to explain documents, interpret information and define terminology;
- c. Prepare and appear for interviews, testimony and trial in connection with this action at such times and place as requested by the Commission;
- d. Respond truthfully and completely to all inquiries and interviews in connection with this action;

- e. Accept service by mail, electronic mail, or facsimile transmission of notices or subpoenas for documents and/or testimony at depositions, hearings, trials, or in connection with the action;
- f. Appoint Valcarce's undersigned attorney as agent to receive service of such notices and subpoenas; and
- g. Serve by electronic transmission or by next-day mail all written notices and correspondence required or related to this Order to the Director of Division Enforcement, United States Commodity Futures Trading Commission, 1155 21st Street, NW, Three Lafayette Centre, Washington, DC 20581, and a copy to estreit@cftc.gov and dsnodgrass@cftc.gov, unless otherwise directed in writing by the Division's staff.

V. MISCELLANEOUS PROVISIONS

42. 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:

Robert T. Howell
Deputy Director, Division of Enforcement
Commodity Futures Trading Commission
77 West Jackson Boulevard, Suite 800
Chicago, Illinois 60604

Notice to Defendant Juan Pablo Valcarce:

Scott Siverson
Siverson Law Firm PLLC
1150 E Plant Street Suite E
Winter Garden, FL 34787

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

43. 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.

44. 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.

45. Waiver: The failure of any party to this Consent Order at any time to require performance of any provision of this Consent Order shall in no manner affect the right of the party or participant 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.

46. Continuing Jurisdiction of this Court: This Court shall retain jurisdiction of this action to ensure compliance with this Consent Order and for all other purposes related to this action, including any motion by Valcarce to modify or for relief from the terms of this Consent Order.

47. Injunctive and Equitable Relief Provisions: The injunctive and equitable relief provisions of this Consent Order shall be binding upon the following persons who receive actual notice of this Consent Order, by personal service or otherwise:

(1) Valcarce; (2) any officer, agent, servant, employee, or attorney of Valcarce; and
(3) any other persons who are in active concert or participation with any persons
described in subsections (1) and (2) above.

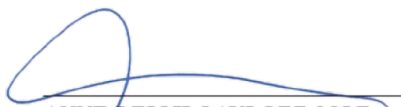
48. Counterparts and Facsimile Execution: This Consent Order may be executed in
two or more counterparts, all of which shall be considered one and the same agreement
and shall become effective when one or more counterparts have been signed by each
of the parties hereto and delivered (by facsimile, e-mail, 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.

49. Contempt: Valcarce understands that the terms of the Consent Order are
enforceable through contempt proceedings to the fullest extent of applicable law, and
that, in any such proceedings he may not challenge the validity of this Consent Order.

50. Agreements and Undertakings: Valcarce shall comply with all of the
undertakings and agreements set forth in this Consent Order.

There being no just reason for delay, the Clerk of the Court is hereby ordered to
enter this *Consent Order for Permanent Injunction and Other Equitable Relief Against
Defendant Juan Pablo Valcarce* forthwith and without further notice.

IT IS SO ORDERED on this 30th day of July, 2026.


ANNE LEIGH GAYLORD MOë
UNITED STATES DISTRICT JUDGE

CONSENTED TO AND APPROVED BY:

Juan Valcarce

Juan Pablo Valcarce

Date: 2/28/2025

Approve as to form:

_____/s/ Scott Siverson_____
Scott Siverson
Siverson Law Firm PLLC
1150 E Plant Street Suite E
Winter Garden, FL 34787

Date: 6/16/2025

_____/s/ Douglas Snodgrass_____
Douglas Snodgrass
Commodity Futures Trading Commission
77 West Jackson Boulevard, Suite 800
Chicago, Illinois 60604
(312) 596-0677
dsnodgrass@cftc.gov

Date:

6/16/2025