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10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT CALIFORNIA**

13 COMMODITY FUTURES
14 TRADING COMMISSION

15 Plaintiff,

16 vs.

17 WILLIAM KOO ICHIOKA,

18 Defendant.

**COMPLAINT FOR INJUNCTIVE
AND EQUITABLE RELIEF AND
PENALTIES UNDER THE
COMMODITY EXCHANGE ACT**

Hon. _____

Case No. _____

19 The Commodity Futures Trading Commission (“Commission” or “CFTC”), by and
20 through its attorneys, hereby alleges as follows:

21 **I. SUMMARY**

22 1. From at least 2018 through May 2022(the “Relevant Period”), Defendant
23 William Koo Ichioka operated a scheme in which he fraudulently solicited tens of
24 millions of dollars from more than one hundred individuals and entities (“participants”)
25 to trade commodity interests, digital assets, including bitcoin and ether, and to engage in
26 retail foreign currency transactions (“forex”) through a pool he operated under the name
27
28

1 Ichioka Ventures. Ichioka misappropriated tens of millions of dollars in participant funds
2 and used a portion of those funds for his personal uses and expenses.

3 2. By engaging in this conduct and the conduct further described herein, the
4 Defendant has violated certain anti-fraud and registration provisions of the Commodity
5 Exchange Act (“Act”), 7 U.S.C. §§ 1-26, namely, 7 U.S.C. §§ 2(c)(2)(C)(iii)(I)(cc),
6 6b(a)(2)(A), (C), 6m(1), 6o(a)(A), (B), 9(1), and CFTC Regulations (“Regulations”)
7 4.20(c), 5.2(b), 5.3(a)(2)(i) and 180.1(a)(1)-(3), 17 C.F.R. §§ 4.20(c), 5.2(b), 5.3(a)(2)(i),
8 180.1(a)(1)-(3) (2022).

9 3. Unless restrained and enjoined by this Court, the Defendant is likely to
10 continue engaging in the acts and practices alleged in this complaint or in similar acts and
11 practices.

12 4. Accordingly, pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1, the
13 Commission brings this action to enjoin such acts and practices and compel compliance
14 with the Act. In addition, the Commission seeks civil monetary penalties and remedial
15 ancillary relief, including, but not limited to, a trading and registration ban, restitution,
16 disgorgement, rescission, pre- and post-judgment interest, and such other relief as the
17 Court may deem necessary and appropriate.

18 **II. JURISDICTION AND VENUE**

19 5. This Court has jurisdiction over this action under 28 U.S.C. § 1331 (federal
20 question jurisdiction) and 28 U.S.C. § 1345 (district courts have original jurisdiction over
21 civil actions commenced by the United States or by any agency expressly authorized to
22 sue by act of Congress). In addition, Section 6c(a) of the Act, 7 U.S.C. § 13a-1(a),
23 authorizes the Commission to seek injunctive relief against any person whenever it shall
24 appear to the Commission that such person has engaged, is engaging, or is about to
25 engage in any act or practice constituting a violation of the Act or any rule, regulation, or
26 order thereunder.

27 6. Venue properly lies with the Court pursuant to Section 6c(e) of the Act,
28 7 U.S.C. § 13a-1(e), because Defendant transacts business in this District and certain

1 transactions, acts, practices, and business alleged in this Complaint occurred, are
2 occurring, and/or are about to occur within this District.

3 **INTRADISTRICT ASSIGNMENT**

4 7. Under Civil Local Rule 3-2(d), this civil action should be assigned to the
5 San Francisco Division because a substantial portion of the events or omissions which
6 give rise to the claims alleged herein occurred in San Francisco County and, further,
7 because Defendant William Koo Ichioka resided in San Francisco for part of the relevant
8 period.

9 **III. THE PARTIES**

10 8. Plaintiff **Commodity Futures Trading Commission** (“CFTC” or
11 “Commission”) is an independent federal regulatory agency that administers and enforces
12 the Act, 7 U.S.C. §§ 1-26, and the Commission’s Regulations promulgated thereunder,
13 17 C.F.R. pts. 1-190 (2022).

14 9. Defendant **William Koo Ichioka** is 30 years old and currently resides in
15 New York City, NY, but at various times during the Relevant Period has lived in San
16 Francisco, California. Ichioka has, at all relevant times, represented that he was the
17 manager of a purported entity called Ichioka Ventures. Ichioka has never been registered
18 with the Commission in any capacity.

19 **IV. OTHER ENTITY**

20 10. **Ichioka Ventures, LLC (“IVLLC”)** is located in New York City, NY and
21 was formed by Ichioka as a Delaware limited liability corporation on August 2, 2019,
22 under the original name of Ichioka Ventures, GP, LLC. On or about October 3, 2019,
23 Ichioka changed the entity’s name to Ichioka Ventures, LLC. IVLLC has never been
24 registered with the Commission in any capacity.

25 **V. STATUTORY BACKGROUND**

26 11. Digital assets include virtual currencies such as bitcoin and ether, which are
27 digital representations of value that function as mediums of exchange, units of account,
28

1 and/or stores of value. Certain digital assets are “commodities,” including those alleged
2 herein, as defined under Section 1a(9) of the Act, 7 U.S.C. § 1a(9).

3 12. The terms “forex,” “retail forex transactions,” “forex agreements,” “forex
4 contracts,” or “foreign currency transactions,” as variously described herein, refer to
5 leveraged, margined, or financed transactions with customers that are not eligible
6 contract participants (“ECPs”) as described in Section 2(c)(2)(C) of the Act. These
7 transactions are commodity interests.

8 VI. FACTS

9 A. Defendant Ichioka’s Fraudulent Scheme

10 13. Beginning no later than in or about 2018, through at least in or about May
11 2022, Ichioka launched a commodity pool. To induce prospective participants to deposit
12 funds, Ichioka represented to prospective participants that he would invest their money in
13 various ways — including, among other investments, commodity interests, including
14 forex, and digital asset commodities, including bitcoin and ether. He also represented to
15 prospective participants that they would earn 10% returns every 30 business days (or
16 approximately 42 calendar days) to induce their investments, and that his investment and
17 trading activities had actually been generating and/or had the ability to generate returns in
18 excess of these amounts.

19 14. In or about 2019, Ichioka began doing business under the name “Ichioka
20 Ventures,” creating various business entities including ICHIOKA VENTURES LLC, a
21 Delaware limited liability company he formed on or about August 21, 2019.

22 15. In 2019, Ichioka also created a website for Ichioka Ventures at
23 www.ichiokaventures.com that Ichioka used as a platform to solicit participants and to
24 communicate with them regarding making an investment with the Ichioka Ventures pool
25 (referred to on the website as a “fund”). The website’s publicly accessible homepage
26 describes Ichioka as a “self-made investor” who “began his quest at a very early age and
27 has already amassed a multimillion-dollar fortune.” The website further describes
28

1 Ichioka as a “savant in his craft” who “seeks to deliver a consistent enhanced total return
2 through his ability to identify and execute immediately on global market opportunities.”

3 16. The website stated, among other things: “The investment term is 30
4 business days with a 10% return” and “Principal and profits are distributed directly to
5 account balance and can easily be withdrawn or reinvested.” The Ichioka Ventures
6 website further allowed participants to create and login to accounts to “Invest,” “Re
7 Invest/Withdraw,” view balances, view “Transaction History,” among other things.
8 Ichioka presented investment contracts, including styled as a “Promissory Note,” in
9 which participants agreed to entrust funds to Ichioka and/or Ichioka Ventures.

10 18. Ichioka invested participant funds in, for example, commodity interests, including forex,
11 and digital asset commodities, including bitcoin and ether, precious metals, and stock in
12 start-up companies. However, he failed to invest other portions of the participants funds
13 entrusted to him as he had promised. Instead, Ichioka commingled participant money
14 with his own funds and used participant money to fund his own personal expenses (such
15 as rent for his personal residence, restaurants and bars, grocery stores, taxi or car share
16 rides, retail stores, gym membership fees, and online purchases, among other things) and
17 to make purchases of luxury items (such as watches and other jewelry, and luxury
18 vehicles).

19 19. Moreover, Ichioka and Ichioka Ventures did not actually earn 10% returns
20 every 30 business days for participants throughout the time that Ichioka represented that
21 it did. Rather, Ichioka and Ichioka Ventures sustained losses from portions of funds that
22 Ichioka had invested. By the end of 2019 – unbeknownst to participants – Ichioka had
23 privately acknowledged that the “[c]ompany hasn’t made any money since we started.”

24 20. Ichioka also concealed and hid, and caused to be concealed and hidden, the
25 acts done and the purpose of the acts done in furtherance of the scheme, including to
26 further perpetuate the scheme. These concealments included, but were not limited to:

- 27 a) Ichioka doctored, and/or caused to be doctored, financial documents to
28 falsely overstate the value of assets, including bank, brokerage, and

1 cryptocurrency exchange materials. For example, in or about November
2 2019, Ichioka falsified a purported “proof of funds” letter and screenshot
3 indicating the value of his holdings with the cryptocurrency exchange
4 Kraken to be approximately 1200 Bitcoin (BTC) (valued at approximately
5 \$10.8 million) and a balance of \$500,000 U.S. dollars, when in fact his
6 holdings with that exchange did not exceed approximately 18 BTC (valued
7 at approximately \$150,000) and/or a balance of approximately \$100,000
8 U.S. dollars.

9 b) Ichioka provided doctored documents showing falsely overstated values of
10 assets to prospective participants. For example, on or about October 11,
11 2019, Ichioka emailed a falsified Bank of America statement for account to a
12 participant showing a purported balance of approximately \$1.5 million
13 (when in fact the account’s balance during this time did not exceed
14 \$200,000). As an additional example of showing falsely overstated values
15 of assets to prospective participants, on or about February 12, 2020, Ichioka
16 provided a doctored Kraken screenshot via text messaging prior to receiving
17 a participant’s investment funds.

18 c) Ichioka presented false statements of account to participants, including via
19 participant account updates on the Ichioka Ventures website, divorced from
20 the actual performance or value of invested funds with him.

21 d) Ichioka repaid existing participants’ principal amounts and/or purported
22 gains (“profits”) using new participant funds.

23 21. Ichioka transmitted and/or caused to be transmitted in interstate and foreign
24 commerce numerous wire communications for the purpose of executing the scheme to
25 defraud, for example: (a) \$200,000 wire transfer on or about August 2, 2018 from a
26 participant via Fedwire Funds Transfer to his J.P. Morgan Chase (“JPMC”) personal
27 checking account ending in -2053, funds that Ichioka misdirected for personal expenses
28 (including the purchase of a luxury vehicle, payment of rent, and credit card payments);

1 (b) \$150,000 wire transfer on or about June 12, 2019 from a participant via Fedwire
2 Funds Transfer System to his JPMC personal checking account ending in -2053, funds
3 that he misdirected for personal expenses (including jewelry and credit card payments)
4 and repayment of other participants; and (c) \$200,000 wire transfer on or about
5 February 13, 2020 from a participant via Fedwire Funds Transfer System to his Ichioka
6 Ventures Bank of America account ending in – 7517, following his transmittal of
7 doctored financial documents overstating the value of his and/or Ichioka Ventures’
8 holdings.

9 22. The money and property obtained by Ichioka through this fraudulent scheme
10 totaled more than \$21 million.

11 **VII. VIOLATIONS OF THE COMMODITY EXCHANGE ACT**

12 **COUNT I**

13 **Violations of Section 6(c)(1) of the Act, 7 U.S.C. § 9(1), and Regulation**

14 **180.1(a)(1)-(3), 17 C.F.R. § 180.1(a)(1)-3 (2022)**

15 **(Fraud by Deceptive Device or Contrivance)**

16 23. Paragraphs 1 through 21 are re-alleged and incorporated herein by reference.

17 24. Section 6(c)(1) of the Act, 7 U.S.C. § 9(1), makes it unlawful for any person,
18 directly or indirectly, to:

19 [U]se or employ, or attempt to use or employ, in connection with any swap, or a
20 contract of sale of any commodity in interstate commerce, or for future delivery
21 on or subject to the rules of any registered entity, any manipulative or deceptive
22 device or contrivance, in contravention of such rules and regulations as the
23 Commission shall promulgate

24 25. Regulation 180.1(a), 17 C.F.R. § 180.1(a) (2022), provides:

25 It shall be unlawful for any person, directly or indirectly, in connection with any
26 swap, or contract of sale of any commodity in interstate commerce, or contract
27 for future delivery on or subject to the rules of any registered entity, to
28 intentionally or recklessly:

- 1 (1) Use or employ, or attempt to use or employ, any manipulative device, scheme,
2 or artifice to defraud;
- 3 (2) Make, or attempt to make, any untrue or misleading statement of a material
4 fact or to omit to state a material fact necessary in order to make the statements
5 made not untrue or misleading; [and/or]
- 6 (3) Engage, or attempt to engage, in any act, practice, or course of business, which
7 operates or would operate as a fraud or deceit upon any person

8 26. A digital asset is anything that can be stored and transmitted electronically
9 and has associated ownership or use rights. Digital assets include virtual currencies, such
10 as bitcoin and ether, which are digital representations of value that function as mediums
11 of exchange, unites of account, and/or stores of value. Certain digital assets are
12 “commodities,” including those alleged herein, as defined under Section 1a(9) of the Act,
13 7 U.S.C. § 1a(9). There are commodity futures contracts on bitcoin and ether that trade
14 on the Chicago Mercantile Exchange, a designated contract market regulated by the
15 CFTC.

16 27. During the Relevant Period, as described above, Ichioka violated 7 U.S.C.
17 § 9(1) and 17 C.F.R. § 180.1(a)(1)-(3) by, among other things, in connection with digital
18 asset commodities, including bitcoin and ether, misappropriating pool participant funds.

19 28. During the Relevant Period, as described above, Ichioka violated 7 U.S.C.
20 § 9(1) and 17 C.F.R. § 180.1(a)(1)-(3) by, among other things, in connection with any
21 contract of sale of any commodities in interstate commerce, digital assets or forex,
22 intentionally or recklessly making false and misleading statements of material fact, or
23 omitting to state material facts, to pool participants and prospective participants, by,
24 among other things:

- 25 a) Falsely representing Ichioka’s trading expertise and past profitability;
- 26 b) Misrepresenting the expected profits and risk of loss of investing with
27 Ichioka;

1 c) Failing to disclose that participant funds were commingled with Ichioka’s
2 funds and other participants’ funds and were being used to pay Ichioka’s
3 personal expenses and to pay other participants in a manner akin to a Ponzi
4 scheme.

5 29. Ichioka willfully, intentionally or recklessly engaged in the acts and
6 practices described above.

7 30. Each use or employment or attempted use or employment of any
8 manipulative device, scheme, or artifice to defraud, including, but not limited to any act
9 of misappropriation and misrepresentation or omission of material fact, including but not
10 limited to those specifically alleged herein, is alleged as a separate and distinct violation.

11 **COUNT II**

12 **Violations of Section 4b(a)(2)(A) and (C), 7 U.S.C. § 6b(a)(2)(A), (C), and**
13 **Regulation 5.2(b), 17 C.F.R. § 5.2(b)(1), (3) (2022)**
14 **(Fraud in Connection with Forex Transactions)**

15 31. Paragraphs 1 through 29 are re-alleged and incorporated herein by reference.

16 32. 7 U.S.C. § 6b(a)(2)(A) and (C) makes it unlawful “for any person, in or in
17 connection with any order to make, or the making of, any contract for sale of any
18 commodity for future delivery . . . that is made, or to be made, for or on behalf of, or
19 with, any other person, other than on or subject to the rules of a designated contract
20 market—(A) to cheat or defraud or attempt to cheat or defraud the other person; . . . or
21 (C) willfully to deceive or attempt to deceive the other person by any means whatsoever
22 in regard to any order or contract or the disposition or execution of any order or contract,
23 or in regard to any act of agency performed, with respect to an order or contract for or, in
24 the case of paragraph (2), with the other person.”

25 33. Moreover, 17 C.F.R. § 5.2(b)(1), (3) (2022), makes it unlawful “for any
26 person, by use of the mails or by any means or instrumentality of interstate commerce,
27 directly or indirectly, in or in connection with any retail forex transaction: (1) [t]o cheat
28

1 or defraud or attempt to cheat or defraud any person; . . . or (3) [w]illfully to deceive or
2 attempt to deceive any person by any means whatsoever.”

3 34. Section 2(c)(2)(C) of the Act, 7 U.S.C. § 2(c)(2)(C), among other things,
4 contains three grants which clarifies that the CFTC has jurisdiction over, and that certain
5 antifraud provisions in the Act apply to, retail forex:

- 6 a) Pursuant to 7 U.S.C. § 2(c)(2)(C)(ii)(I), forex agreements, contracts, or
7 transactions described in 7 U.S.C. § 2(c)(2)(C)(i) “shall be subject to” the
8 antifraud provisions of 7 U.S.C. §§ 6b and 6o, among other Sections of the
9 Act;
- 10 b) Pursuant to 7 U.S.C. § 2(c)(2)(C)(iv), 7 U.S.C. § 6b, “shall apply to” the
11 forex agreements, contracts, or transactions described in 7 U.S.C.
12 § 2(c)(2)(C) “as if” they were a contract of sale of a commodity for future
13 delivery; and
- 14 c) Pursuant to 7 U.S.C. § 2(c)(2)(C)(vii), “[t]his Act applies to, and the
15 Commission shall have jurisdiction over, an account or pooled investment
16 vehicle that is offered for the purpose of trading, or that trades,” forex
17 agreements, contracts, or transactions described in 7 U.S.C. § 2(c)(2)(C)(i).

18 35. The foreign currency transactions offered by Ichioka are retail forex
19 transactions as defined by Regulation 5.1(m), 17 C.F.R. § 5.1(m) (2022).

20 36. Defendant Ichioka violated 7 U.S.C. § 6b(a)(2)(A), (C) and 17 C.F.R.
21 § 5.2(b)(1), (3), by willfully, among other things:

- 22 a) Falsely representing Ichioka’s trading expertise and past profitability;
- 23 b) Misrepresenting the expected profits and risk of loss of investing with
24 Ichioka;
- 25 c) Failing to disclose that participant funds were commingled and were being
26 used to pay Ichioka’s personal expenses and to pay other participants in a
27 manner akin to a Ponzi scheme; and
- 28 d) Misappropriating pool participant funds.

1 37. Defendant Ichioka engaged in such acts by the use of the mails or other
2 means or instrumentality of interstate commerce.

3 38. Each act of misappropriation, misrepresentation or omission of material
4 facts, made during the Relevant Period, including, but not limited to, those specifically
5 alleged herein, constitute a separate and distinct violation of 7 U.S.C. § 6b(a)(2)(A), (C)
6 and 17 C.F.R. § 5.2(b)(1), (3).

7 **COUNT III**

8 **Violations of Section 4o(1)(A) and (B) of the Act, 7 U.S.C. § 6o(1)(A), (B)**
9 **(Fraud and Deceit by a Commodity Pool Operator)**

10 39. The allegations set forth in the preceding paragraphs 1 through 37 are re-
11 alleged and incorporated herein by reference.

12 40. A commodity pool is defined in Section 1a(10) of the Act, 7 U.S.C.
13 § 1a(10), as “any investment trust, syndicate, or similar form of enterprise operated for
14 the purpose of trading in commodity interests”

15 41. A Commodity Pool Operator (“CPO”) is defined in Section 1a(11) of the
16 Act, 7 U.S.C. § 1a(11), as “any person . . . engaged in a business that is of the nature of a
17 commodity pool, investment trust, syndicate or similar form of enterprise, and who, in
18 connection therewith, solicits, accepts, or receives from others, funds, securities or
19 property . . . for the purpose of trading in commodity interests” And for purposes of
20 forex transactions, a CPO is similarly defined under 17 C.F.R. § 5.1(d) as “any person
21 who operates or solicits funds, securities, or property for a pooled investment vehicle that
22 is not an eligible contract participant [“ECP”] as defined in section 1a(18) of the Act, and
23 that engages in forex transactions.”

24 42. During the Relevant Period, Ichioka acted as a CPO by soliciting, accepting,
25 or receiving funds from others for the purpose of trading in “commodity interests” (as
26 that term is defined in Commission Regulation 1.3, 17 C.F.R. § 1.3 (2022)), including
27 forex.
28

1 43. 7 U.S.C. § 6o(1)(A) and (B) makes it unlawful for a CPO or an associated
2 person of a CPO, “by use of the mails or any means or instrumentality of interstate
3 commerce, directly or indirectly—(A) to employ any device, scheme, or artifice to
4 defraud any client or participant or prospective client or participant; or (B) to engage in
5 any transaction, practice, or course of business which operates as a fraud or deceit upon
6 any client or participant or prospective client or participant.”

7 44. During the Relevant Period, as described above, Ichioka, while acting as a
8 CPO, committed fraud in violation of 7 U.S.C. § 6o(1)(A) and (B) by misappropriating
9 pool participant funds.

10 45. During the Relevant Period, Defendant Ichioka, acting as a CPO, also
11 committed fraud by misrepresentation and omission of material fact in violation of
12 7 U.S.C. § 6o(1)(A) and (B) by, among other things:

- 13 a) Falsely representing Ichioka’s trading expertise and past profitability;
- 14 b) Misrepresenting the expected profits and risk of loss of investing with
15 Ichioka; and
- 16 c) Failing to disclose that participant funds were commingled with Ichioka’s
17 own funds and were being used to pay Ichioka’s personal expenses and to
18 pay other participants in a manner akin to a Ponzi scheme.

19 46. Each act of misappropriation, misrepresentation, or omission of material
20 facts, made during the Relevant Period, including, but not limited to, those specifically
21 alleged herein, constitutes a separate and distinct violation of 7 U.S.C. § 6o(1)(A) or (B).

22 **COUNT IV**

23 **Violations of Sections 2(c)(2)(C)(iii)(I)(cc) and 4m(1) of the Act,**

24 **7 U.S.C. §§ 2(c)(2)(C)(iii)(I)(cc) and 6m(1), and**

25 **Regulation 5.3(a)(2)(i), 17 C.F.R. § 5.3(a)(2)(i) (2022)**

26 **(Failure to Register as a CPO)**

27 47. The allegations set forth in the preceding paragraphs 1 through 46 are re-
28 alleged and incorporated herein by reference.

1 53. During the Relevant Period, Ichioka caused pool participant funds to be
2 commingled with funds of other persons, including funds belonging to Ichioka.

3 54. By reason of the foregoing, Ichioka commingled participant funds in
4 violation of 17 C.F.R. § 4.20(c).

5 55. Each commingling of a pool participant's funds is alleged as a separate and
6 distinct violation of 17 C.F.R. § 4.20(c).

7 **VIII. RELIEF REQUESTED**

8 WHEREFORE, the Commission respectfully requests that the Court, as authorized
9 by Section 6c of the Act, 7 U.S.C. § 13a-1, and pursuant to its own equitable powers:

10 A. Find that Defendant Ichioka is liable for violating Sections
11 2(c)(2)(C)(iii)(I)(cc), 4b(a)(2)(A) and (C), 4m(1), 4o(1)(A) and (B), and 6(c)(1) of the
12 Act, 7 U.S.C. §§ 6b(a)(2)(A), (C), 6m(1), 6o(1)(A), (B), 9(1), and Regulations 4.20(c),
13 5.2(b), 5.3(a)(2)(i) and 180.1(a)(1)-(3), 17 C.F.R. §§ 4.20(c), 5.2(b), 180.1(a)(1)-(3)
14 (2022);

15 B. Enter an order of permanent injunction enjoining Defendant Ichioka, and his
16 affiliates, agents, servants, employees, successors, assigns, attorneys, and all persons in
17 active concert with him, who receive actual notice of such order by personal service or
18 otherwise, from engaging in the conduct described above, in violation of 7 U.S.C.
19 §§ 2(c)(2)(C)(iii)(I)(cc), 6b(a)(2)(A), (C), 6m(1), 6o(1)(A), (B), and 9(1), and 17 C.F.R.
20 §§ 4.20(c), 5.2(b), 5.3(a)(2)(i) and 180.1(a) (2022);

21 C. Enter an order of permanent injunction prohibiting Defendant Ichioka and
22 any of his affiliates, agents, servants, employees, assigns, attorneys, and persons in active
23 concert or participation with him, from directly or indirectly:

- 24 1. Trading on or subject to the rules of any registered entity (as that term is
25 defined in Section 1a(40) of the Act, 7 U.S.C. § 1a(40));
- 26 2. Entering into any transactions involving “commodity interests” (as that term
27 is defined in Commission Regulation 1.3, 17 C.F.R. § 1.3 (2022)) or “digital
28 asset commodities,” (as that term is described herein), including bitcoin and

1 ether, for accounts held in the name of Ichioka or in which Ichioka has a
2 direct or indirect interest;

- 3 3. Having any commodity interests or digital asset commodities, including
4 bitcoin and ether, traded on Ichioka's behalf;
- 5 4. Controlling or directing the trading for or on behalf of any other person or
6 entity, whether by power of attorney or otherwise, in any account involving
7 commodity interests, or digital asset commodities, including bitcoin and
8 ether;
- 9 5. Soliciting, receiving, or accepting any funds from any person for the purpose
10 of purchasing or selling any commodity interests, or digital asset
11 commodities, including bitcoin, and ether;
- 12 6. Applying for registration or claiming exemption from registration with the
13 Commission in any capacity, and engaging in any activity requiring such
14 registration or exemption from registration with the Commission, except as
15 provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9) (2022); and/or
- 16 7. Acting as a principal (as that term is defined in Regulation 3.1(a), 17 C.F.R.
17 § 3.1(a) (2022)), agent, or any other officer or employee of any person (as
18 that term is defined in Section 1a(38) of the Act, 7 U.S.C. § 1a(38))
19 registered, exempted from registration, or required to be registered with the
20 Commission, except as provided for in 17 C.F.R. § 4.14(a)(9);

21 D. Enter an order directing Ichioka, as well as any third-party transferee and/or
22 successors thereof, to disgorge, pursuant to such procedure as the Court may order, all
23 benefits received including, but not limited to, salaries, commissions, loans, fees,
24 revenues, real and personal property and trading profits derived, directly or indirectly,
25 from participants, all benefits received, including, but not limited to, salaries,
26 commissions, loans, fees, revenues, and trading profits derived, directly or indirectly,
27 from acts or practices which constitute violations of the Act and the Regulations
28 described herein, including post-judgment interest;

1 E. Enter an order requiring Ichioka, as well as any successors thereof, to make
2 full restitution to every person or entity who has sustained losses proximately caused by
3 the violations described herein, including post-judgment interest;

4 F. Enter an order directing Ichioka, as well as any successors thereof, to
5 rescind, pursuant to such procedures as the Court may order, all contracts and
6 agreements, whether implied or express, entered into between, with or among Ichioka or
7 any of the participants whose funds were received by Ichioka as a result of the acts and
8 practices that constituted violations of the Act and Regulations as described herein;

9 G. Enter an order directing Ichioka to pay a civil monetary penalty assessed by
10 the Court, in an amount not to exceed the penalty prescribed by Section 6c(d)(1) of the
11 Act, 7 U.S.C. § 13a-1(d)(1), as adjusted for inflation pursuant to the Federal Civil
12 Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 114-74, 129 Stat.
13 584 (2015), tit. VII, § 701, 129 Stat. 584, 599-600, *see* Regulation 143.8, 17 C.F.R.
14 § 143.8 (2022), for each violation of the Act and Regulations, as described herein;

15 H. Enter an order requiring Ichioka to pay costs and fees as permitted by
16 28 U.S.C. §§ 1920 and 2412(a)(2); and

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

Date: JUNE 22, 2023

Commodity Futures Trading Commission

By its attorneys:

/s/ Susan B. Padove

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