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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION, **Plaintiff,** **-against-** **FRANCISLEY VALDEVINO DA SILVA, RAMON ANTONIO PEREZ ARIAS, JUAN ANTONIO TACURI FAJARDO, AND JOSE RAMIRO CORONADO REYES,** **Defendants.**	**COMPLAINT** **22 Civ. 10534 ( )** **JURY TRIAL DEMANDED**

Plaintiff Securities and Exchange Commission ("Commission"), for its Complaint against Defendants Francisley Valdevino Da Silva ("Da Silva"), Ramon Antonio Perez Arias ("Perez"), Juan Antonio Tacuri Fajardo ("Tacuri"), and Jose Ramiro Coronado Reyes ("Coronado") (collectively, "Defendants"), alleges as follows:

SUMMARY

1. This is an international pyramid scheme case involving a fake crypto asset trading and mining company. In approximately mid-2017, Brazilian national Da Silva, a self-proclaimed "boss of the pyramid scammers," concocted a pyramid scheme, Forcount Trader Systems, Inc. ("Forcount"), with the assistance of three U.S.-based sellers, or "promoters" of the scheme, Tacuri, Perez and Coronado.

2. During various time periods within approximately July 2017 to at least November 2020, Defendants (1) raised funds from retail investors in Spanish-speaking communities in the United States, and several other countries, through the unregistered offer and sale of securities styled as membership interests in Forcount; and (2) knowingly or recklessly engaged in a scheme to defraud numerous investors—bilking the investors out of over $8.4 million—by enticing them with the promise of guaranteed, astronomical daily returns from investments in securities.

3. Defendants sold sham "memberships" in Forcount as investments. Defendants claimed that a membership in Forcount would give investors interests in returns generated from various crypto assets through Forcount's fake crypto asset trading and mining operations, accessible on Forcount's website. Defendants claimed that investors would profit from two income streams: (1) sharing proceeds from Forcount's own crypto asset trading "calibrated robots" and a crypto asset "intelligent mining system" from which investors would receive guaranteed profits, and (2) Forcount's referral program, which gave investors the right to earn compensation for recruiting new investors into the scheme, such that an investor acted as a promoter and had layers of other promoters and investors below them (the "downline").

4. The Forcount memberships were investment contracts and therefore securities, because investors made an investment of money in a common enterprise with a reasonable

expectation of profits from the efforts of Defendants or third parties. Defendants offered and sold these securities without registering their offers or sales with the Commission or qualifying for an exemption from registration.

5. Forcount was also a classic pyramid scheme. Forcount did not sell any real product or service to retail customers. Despite Defendants promises of returns based on Forcount's trading and mining, as well as the referral program, Forcount had no real source of revenue other than funds received from investors. Defendants had no basis for the promised returns, and funds received from later investors were used to make Ponzi-type payments to earlier investors.

6. Da Silva devised and controlled the vast majority of Forcount's operations, including the invention of Forcount's supposed business, the creation of a sham website that purported to reflect a crypto asset trading platform and investor accounts, the compensation plan for promoters and investors, the website infrastructure, and the distribution of payments to investors.

7. Defendants took part in promoting Forcount to investors, including by planning and participating in promotions in which they knowingly or recklessly made materially false and misleading claims to investors concerning Forcount's operations, Forcount's success, and the success of investors in Forcount memberships. For those investors, their success was substantially dependent on the efforts of Defendants to market Forcount and recruit investors.

8. Defendants accelerated Forcount's inevitable collapse by misappropriating investor funds for personal use—including to purchase homes, dozens of cars, and luxury goods—and paying for lavish events and other methods of attracting additional investors. By

late 2019, Forcount had been regularly restricting investor redemptions, and by late 2020, Forcount collapsed.

9. Defendants defrauded hundreds of investors from at least 19 U.S. states and other countries. From July 2017 through November 2020, investors sent more than $8.4 million to Forcount, mainly through cash transfers. Defendants then misappropriated, collectively, at least $3.4 million in investor funds for their personal use. By the time Forcount collapsed, investors were left with nothing.

VIOLATIONS

10. By virtue of the foregoing conduct and as alleged further herein, Defendants violated Sections 5(a), 5(c), 17(a) of the Securities Act of 1933 (Securities Act") [15 U.S.C. §§ 77e(a), 77e(c), 77q(a)] and Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5].

11. Unless Defendants are restrained and enjoined, they will engage in the acts, practices, transactions, and courses of business set forth in this Complaint or in acts, practices, transactions, and courses of business of similar type and object.

NATURE OF THE PROCEEDINGS AND RELIEF SOUGHT

12. The Commission brings this action pursuant to the authority conferred upon it by Section 20(b) of the Securities Act [15 U.S.C. § 77t(b)] and Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)].

13. The Commission seeks a final judgment: (a) permanently enjoining Defendants from violating the federal securities laws and rules this Complaint alleges they have violated; (b) permanently enjoining Defendants from directly or indirectly, including, but not limited to, through any entity owned or controlled by Defendants, offering, operating, or participating in

any marketing or sales program in which a participant is compensated or promised compensation solely or primarily for inducing another person to become a participant in the program, or if such induced person induces another to become a participant in the program; (c) permanently enjoining Defendants from participating, directly or indirectly, in any offering of any crypto asset security, provided, however, that such injunction shall not prevent them from purchasing or selling crypto asset securities for their own personal accounts; (d) ordering Defendants to disgorge their ill-gotten gains and to pay prejudgment interest thereon pursuant to Sections 21(d)(3), (5) and (7) of the Exchange Act [15 U.S.C. §§ 78u(d)(3), (5) and (7)]; (e) ordering the Defendants to pay civil money penalties pursuant to Section 20(d) of the Securities Act [15 U.S.C § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)];
(f) permanently prohibiting the Defendants from serving as officers or directors of any company that has a class of securities registered under Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports under Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)], pursuant to Section 20(e) of the Securities Act [15 U.S.C. § 77t(e)] and Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)]; and (g) ordering any other and further relief the Court may deem just and proper.

JURISDICTION AND VENUE

14. This Court has jurisdiction over this action pursuant to Sections 20(b) and 20(d) of the Securities Act [15 U.S.C. §§ 77t(b), 77t(d)] and Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)].

15. Defendants, directly and indirectly, made use of the means or instrumentalities of interstate commerce or of the mails in connection with the transactions, acts, practices, and courses of business alleged herein.

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