

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 100598 / July 25, 2024

ADMINISTRATIVE PROCEEDING
File No. 3-20954

In the Matter of :
 :
 :
Richard Keith Robertson, :
 :
 :
Respondent. :
 :

ADMINISTRATIVE PROCEEDING
File No. 3-20955

In the Matter of : **ORDER APPOINTING FUND**
 : **ADMINISTRATOR, SETTING**
 : **ADMINISTRATOR’S BOND AMOUNT,**
IFP Advisors, LLC, : **AND AUTHORIZING THE APPROVAL**
 : **AND PAYMENT OF FEES AND**
Respondent. : **EXPENSES OF ADMINISTRATION**
 :

On August 10, 2022, the Commission issued an Order Instituting Administrative and Cease-and-Desist Proceedings Pursuant to Sections 15(b) and 21C of the Securities Exchange Act of 1934, Sections 203(f) and 203(k) of the Investment Advisors Act of 1940, and Section 9(b) of the Investment Company Act of 1940, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order against Richard Keith Robertson (“Robertson”).¹ On the same day, the Commission issued an Order Instituting Administrative and Cease-and-

¹ Securities Exch. Act Rel. No. 95462 (Aug. 10, 2022).

Desist Proceedings Pursuant to Sections 203(e) and 203(k) of the Investment Advisors Act of 1940, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order against IFP Advisors, LLC (“IFP,” and together with Robertson, “Respondents”).²

The Commission found that from January 2011 to October 2020, Robertson engaged in a cherry-picking scheme whereby he unfairly allocated purchases of securities between his personal and family accounts and his other IFP clients’ accounts. Robertson disproportionately allocated profitable trades to his personal and family accounts and disproportionately allocated unprofitable trades to his other advisory clients. IFP failed to supervise Robertson, failed to implement policies and procedures reasonably designed to prevent violations of the Advisers Act and its rules by its supervised persons, and made false and misleading statements in its Forms ADV concerning supposed safeguards it had to prevent investment adviser representatives from placing their own interests ahead of those of its advisory clients.

The Commission ordered Robertson to pay disgorgement of \$592,437, prejudgment interest of \$28,173.12, and a civil money penalty of \$300,000, to the Commission.

The Commission ordered IFP to pay a civil money penalty in the amount of \$400,000 to the Commission.

The Commission also created a Fair Fund, pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, so the penalty collected, along with the disgorgement and prejudgment interest collected, can be distributed to harmed investors (the “Fair Fund”).

² Investment Adv. Act Rel. No. 6086 (Aug. 10, 2022).

The Fair Fund consists of the \$1,320,610.00 collected from the Respondents. The Fair Fund has been deposited in a Commission-designated account at the U.S. Department of the Treasury, and any accrued interest will be added to the Fair Fund.

The Division of Enforcement (the “Division”) now seeks the appointment of SS&C GIDS, Inc. (“SS&C”) as the Fund Administrator and requests that the administrator’s bond be set at \$1,320,610.00. SS&C is included in the Commission’s approved pool of administrators.

The Division further requests that the Commission authorize the Office of Financial Management (“OFM”), at the direction of an Assistant Director of the Office of Distributions, to pay the Fund Administrator’s fees and expenses from the Fair Fund, so long as the total amount paid to the Fund Administrator, including the invoice to be paid, does not exceed the total amount of the approved cost proposal submitted by the Fund Administrator.

Accordingly, IT IS HEREBY ORDERED that:

- A. SS&C is appointed as the Fund Administrator, pursuant to Rule 1105(a) of the Commission’s Rules on Fair Fund and Disgorgement Plans (“Commission’s Rules”);³
- B. SS&C shall obtain a bond in accordance with Rule 1105(c) of the Commission’s Rules,⁴ in the amount of \$1,320,610.00;
- C. the Fund Administrator will submit invoices to the Commission staff for services rendered, in accordance with Rule 1105(d) of the Commission’s Rules;⁵ and
- D. at the direction of an Assistant Director of the Office of Distributions, OFM is authorized to pay the Fund Administrator’s fees and expenses from the Fair Fund,

³ 17 C.F.R. § 201.1105(a).

⁴ 17 C.F.R. § 201.1105(c).

⁵ 17 C.F.R. § 201.1105(d).

in accordance with Rule 1105(e) of the Commission's Rules,⁶ so long as the total amount paid to the Fund Administrator, including the invoice to be paid, does not exceed the total amount of the approved cost proposal submitted by the Fund Administrator.

For the Commission, by the Division of Enforcement, pursuant to delegated authority.⁷

Vanessa A. Countryman
Secretary

⁶ 17 C.F.R. § 201.1105(e).

⁷ 17 C.F.R. § 200.30-4(a)(17) and 17 C.F.R. § 200.30-4(a)(21)(vi).