

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 99389 / January 18, 2024

ADMINISTRATIVE PROCEEDING
File No. 3-20954

In the Matter of

Richard Keith Robertson,

Respondent.

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EXTENSION ORDER

ADMINISTRATIVE PROCEEDING
File No. 3-20955

In the Matter of

IFP Advisors, LLC,

Respondent.

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The Division of Enforcement (“Division”) has requested an extension of time until August 30, 2024 to submit a Proposed Plan of Distribution under Rule 1101(a) of the Commission’s Rules on Fair Fund and Disgorgement Plans, 17 C.F.R. § 201.1101(a).

On August 10, 2022, the Commission instituted and simultaneously settled two separate, but related administrative and cease-and-desist proceedings (the “Orders”) against Richard Keith

Robertson (“Robertson”)¹ and IFP Advisors, LLC (“IFP”)² (collectively, the “Respondents”).

In the Orders, the Commission found that from January 2011 to at least December 2018, an investment adviser representative associated with IFP, Robertson, engaged in undisclosed “cherry-picking,” a practice of fraudulently allocating profitable trades to favored accounts at the expense of his advisory clients. During this period, Robertson allocated a disproportionate number of trades with positive first-day returns to his personal and family accounts, while allocating a disproportionate number of trades with negative first-day returns to certain client accounts. Robertson was able to do this by buying securities in an omnibus account and then waiting until later in the day to allocate the securities to his or his clients’ accounts. The Commission further found that IFP failed to implement policies and procedures reasonably designed to prevent violations of the Advisers Act and its rules and made false and misleading statements in its Forms ADV concerning supposed safeguards in place to prevent representatives from placing their own interests ahead of those of IFP’s advisory clients.

In their respective Orders, the Commission ordered Robertson to pay disgorgement of \$592,437.00, prejudgment interest of \$28,173.12, and a civil money penalty of \$300,000; and IFP to pay a civil money penalty of \$400,000, for a collective total of \$1,320,610.12 to the Commission. In each of the Orders, the Commission also created a Fair Fund, pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, so the penalties collected, along with the disgorgement and prejudgment interest collected, can be distributed to harmed investors, and further ordered that it may be combined with the monies paid in a parallel proceeding arising out

¹ 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 Advisers 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, Exchange Act Rel. No. 95462 (Aug. 10, 2022), (Admin. Proc. File No. 3-20954).

² Order Instituting Administrative and Cease-and-Desist Proceedings, Pursuant to Sections 203(e) and 203(k) of the Investment Advisers Act of 1940, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order, Adviser Act Rel. No. 6086 (Aug. 10, 2022), (Admin. Proc. File No. 3-20955).

of the same facts that are the basis for the violations in this matter, and that it is expected for the monies collected pursuant to the Orders to be distributed together.

The Respondents have paid in full. In accordance with the Orders, the \$1,322,615.07 paid by the Respondents has been combined (collectively, the “Fair Fund”) and deposited in an interest-bearing account at the U.S. Department of the Treasury for distribution to harmed investors. Any accrued interest will be added to the Fair Fund for the benefit of harmed investors.

In its request for an extension of time, the Division states that additional time is needed to complete the fund administrator solicitation and appointment process, develop the distribution methodology, and prepare the proposed plan of distribution.

Accordingly, for good cause shown, IT IS HEREBY ORDERED that the Division’s request for an extension of time until August 30, 2024 to submit a Proposed Plan of Distribution is granted.

For the Commission, by the Division of Enforcement, pursuant to delegated authority.³

Vanessa A. Countryman
Secretary

³ 17 C.F.R. § 200.30-4(a)(21)(i).