

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 101395 / October 21, 2024

ADMINISTRATIVE PROCEEDING
File No. 3-20954

In the Matter of
Richard Keith Robertson,
Respondent.

**NOTICE OF PROPOSED PLAN OF
DISTRIBUTION AND
OPPORTUNITY FOR COMMENT**

ADMINISTRATIVE PROCEEDING
File No. 3-20955

In the Matter of
IFP Advisors, LLC,
Respondent.

Notice is hereby given, pursuant to Rule 1103 of the United States Securities and Exchange Commission’s (“Commission”) Rules on Fair Fund and Disgorgement Plans (“Commission’s Rules”), 17 C.F.R. § 201.1103, that the Division of Enforcement has submitted to the Commission a proposed plan of distribution (the “Proposed Plan”) for the distribution of monies paid in the above-captioned matters.¹

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”)² and IFP Advisors, LLC (“IFP”)³ (collectively, the “Respondents”).

¹ This Proposed Plan was published on August 30, 2024 without providing electronic access to the Commission’s Internet comment form. *See* Exchange Act Rel. No. 100886 (Aug. 30, 2024). Access is now available to the Commission’s Internet comment form, and the Commission will issue an order approving, approving with modifications, or disapproving the Proposed Plan by December 18, 2024, in accordance with Rule 1104 of the Commission’s Rules.

² 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).

³ 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).

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 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 a Commission-designated account at the U.S. Department of the Treasury, and any accrued interest will be added to the Fair Fund.

The assets of the Fair Fund are subject to the continuing jurisdiction and control of the Commission.

OPPORTUNITY FOR COMMENT

Pursuant to this Notice, all interested persons are advised that they may obtain a copy of the Plan from the Commission’s public website at <http://www.sec.gov/litigation/fairfundlist.htm>. Interested persons may also obtain a written copy of the Proposed Plan by submitting a written request to Michael Lim, United States Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-5876. All persons who desire to comment on the Proposed Plan may submit their comments, in writing, no later than thirty (30) days from the date of this Notice:

1. to the Office of the Secretary, United States Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-1090;
2. by using the Commission’s Internet comment form (<http://www.sec.gov/litigation/admin.shtml>); or

3. by sending an e-mail to rule-comments@sec.gov.

Comments submitted by email or via the Commission’s website should include “Administrative Proceeding File Nos. 3-20954 and No. 3-20955” in the subject line. Comments received will be publicly available. Persons should submit only information they wish to make publicly available.

THE PROPOSED PLAN

The Net Available Fair Fund⁴ is comprised of the \$1,322,615.07 in disgorgement, prejudgment interest, and civil money penalties paid by the Respondents, plus interest and income earned thereon, less taxes, fees, and expenses. The Proposed Plan provides for the distribution of the Net Available Fair Fund to investors as calculated by the methodology used in the Plan of Allocation in the Proposed Plan.

For the Commission, by the Division of Enforcement, pursuant to delegated authority.⁵

Vanessa A. Countryman
Secretary

⁴ All capitalized terms used herein but not defined shall have the same meanings ascribed to them in the Proposed Plan.

⁵ 17 C.F.R. § 200.30-4(a)(21)(iii).