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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **Southern Division**

11 **SECURITIES AND EXCHANGE**  
12 **COMMISSION,**

13 **Plaintiff,**

14 **vs.**

15 **RICHARD JAMES ROBERTS, TCFG**  
16 **INVESTMENT ADVISORS, LLC,**  
17 **and TCFG WEALTH**  
18 **MANAGEMENT, LLC,**

19 **Defendants.**

Case No. 8:21-cv-01615-FWS-DFM

**FINAL JUDGMENT AS TO**  
**DEFENDANT RICHARD JAMES**  
**ROBERTS**

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1           **FINAL JUDGMENT AS TO DEFENDANT RICHARD JAMES ROBERTS**

2           The Securities and Exchange Commission having filed a Complaint and  
3 Defendant Richard James Roberts having entered a general appearance; consented to  
4 the Court’s jurisdiction over Defendant and the subject matter of this action;  
5 consented to entry of this Final Judgment without admitting or denying the  
6 allegations of the Complaint (except as to jurisdiction and except as otherwise  
7 provided herein in paragraph V); waived findings of fact and conclusions of law; and  
8 waived any right to appeal from this Final Judgment:

9   I.

10          IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant  
11 IS permanently restrained and enjoined from violating, directly or indirectly, while  
12 acting as an investment adviser, Section 206(2) of the Investment Advisers  
13 Act of 1940 (“Advisers Act”) [15 U.S.C. §§ 80b-6(2)] by using the mails or  
14 any means or instrumentality of interstate commerce to engage in any transaction,  
15 practice, or course of business which operates as a fraud or deceit upon any client or  
16 prospective client.

17          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
18 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
19 binds the following who receive actual notice of this Final Judgment by personal  
20 service or otherwise: (a) Defendant’s officers, agents, servants, employees, and  
21 attorneys; and (b) other persons in active concert or participation with Defendant or  
22 with anyone described in (a).

23   II.

24          IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is  
25 permanently restrained and enjoined from any violation of Section 206(4) of the  
26 Adviser Act [15 U.S.C. § 80b-6(4)] and Rule 206(4)-7 promulgated thereunder  
27 [17 C.F.R. § 275.206(4)-7], by knowingly or recklessly providing substantial  
28 assistance to a registered investment advisers’ failure to adopt and implement written

1 policies and procedures reasonably designed to prevent violation of the Advisers Act  
2 and the rules thereunder.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
4 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
5 binds the following who receive actual notice of this Final Judgment by personal  
6 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
7 attorneys; and (b) other persons in active concert or participation with Defendant or  
8 with anyone described in (a).

9 III.

10 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
11 Defendant is jointly and severally liable with defendants TCFG Investment Advisors,  
12 LLC, and TCFG Wealth Management, LLC for disgorgement of \$287,752.97,  
13 representing net profits gained as a result of the conduct alleged in the Complaint,  
14 together with prejudgment interest thereon in the amount of \$18,899.30, and  
15 individually ordered to pay a civil penalty in the amount of \$100,000 pursuant to  
16 Section 209(e) of the Advisers Act [15 U.S.C. § 80b-9(e)]. Defendant shall satisfy  
17 this obligation by paying the disgorgement of \$306,652.27 and the civil penalty of  
18 \$100,000 to the Securities and Exchange Commission within 30 days after entry of  
19 this Final Judgment.

20 Defendant may transmit payment electronically to the Commission, which will  
21 provide detailed ACH transfer/Fedwire instructions upon request. Payment may also  
22 be made directly from a bank account via Pay.gov through the SEC website at  
23 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified  
24 check, bank cashier's check, or United States postal money order payable to the  
25 Securities and Exchange Commission, which shall be delivered or mailed to

26 Enterprise Services Center  
27 Accounts Receivable Branch  
28 6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

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3 and shall be accompanied by a letter identifying the case title, civil action number,  
4 and name of this Court; Richard James Roberts as a defendant in this action; and  
5 specifying that payment is made pursuant to this Final Judgment.

6 Defendant shall simultaneously transmit photocopies of evidence of payment  
7 and case identifying information to the Commission's counsel in this action. By  
8 making this payment, Defendant relinquishes all legal and equitable right, title, and  
9 interest in such funds and no part of the funds shall be returned to Defendant.

10 The Commission may enforce the Court's judgment for disgorgement and  
11 prejudgment interest by using all collection procedures authorized by law, including,  
12 but not limited to, moving for civil contempt at any time after 30 days following entry  
13 of this Final Judgment.

14 The Commission may enforce the Court's judgment for penalties by the use of  
15 all collection procedures authorized by law, including the Federal Debt Collection  
16 Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the  
17 violation of any Court orders issued in this action. Defendant shall pay post  
18 judgment interest on any amounts due after 30 days of the entry of this Final  
19 Judgment pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds,  
20 together with any interest and income earned thereon (collectively, the "Fund"),  
21 pending further order of the Court.

22 The Commission may propose a plan to distribute the Fund subject to the  
23 Court's approval. Such a plan may provide that the Fund shall be distributed  
24 pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of  
25 2002. The Court shall retain jurisdiction over the administration of any distribution  
26 of the Fund and the Fund may only be disbursed pursuant to an Order of the Court.

27 Regardless of whether any such Fair Fund distribution is made, amounts  
28 ordered to be paid as civil penalties pursuant to this Judgment shall be treated as

1 penalties paid to the government for all purposes, including all tax purposes. To  
2 preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or  
3 reduction of any award of compensatory damages in any Related Investor Action  
4 based on Defendant's payment of disgorgement in this action, argue that he is entitled  
5 to, nor shall he further benefit by, offset or reduction of such compensatory damages  
6 award by the amount of any part of Defendant's payment of a civil penalty in this  
7 action ("Penalty Offset"). If the court in any Related Investor Action grants such a  
8 Penalty Offset, Defendant shall, within 30 days after entry of a final order granting  
9 the Penalty Offset, notify the Commission's counsel in this action and pay the amount  
10 of the Penalty Offset to the United States Treasury or to a Fair Fund, as the  
11 Commission directs. Such a payment shall not be deemed an additional civil penalty  
12 and shall not be deemed to change the amount of the civil penalty imposed in this  
13 Judgment. For purposes of this paragraph, a "Related Investor Action" means a  
14 private damages action brought against Defendant by or on behalf of one or more  
15 investors based on substantially the same facts as alleged in the Complaint in this  
16 action.

17 IV.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the  
19 Consent is incorporated herein with the same force and effect as if fully set forth  
20 herein, and that Defendant shall comply with all of the undertakings and agreements  
21 set forth therein.

22 V.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for  
24 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,  
25 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,  
26 and further, any debt for disgorgement, prejudgment interest, civil penalty or other  
27 amounts due by Defendant under this Final Judgment or any other judgment, order,  
28 consent order, decree or settlement agreement entered in connection with this

1 proceeding, is a debt for the violation by Defendant of the federal securities laws or  
2 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of  
3 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

4 VI.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court  
6 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this  
7 Final Judgment.

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11 Dated: July 19, 2023



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13 Hon. Fred W. Slaughter  
14 UNITED STATES DISTRICT JUDGE  
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