

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 95818 / September 19, 2022

INVESTMENT ADVISERS ACT OF 1940
Release No. 6134 / September 19, 2022

ADMINISTRATIVE PROCEEDING
File No. 3-21102

In the Matter of

SCOTT ADAM BRANDER,

Respondent.

**ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934
AND SECTION 203(f) OF THE
INVESTMENT ADVISERS ACT OF 1940,
MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS**

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) and Section 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) against Scott Adam Brander (“Respondent” or “Brander”).

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings herein, except as to the Commission’s jurisdiction over him and the subject matter of these proceedings and the findings contained in Section III.2 below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15(b)

of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940, Making Findings, and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent’s Offer, the Commission finds that:

1. Brander, age 54, resides in Delray Beach, Florida. Brander was an investment adviser representative with Buckman Advisory Group, LLC (“BAG”) from 2007 until 2021, an investment adviser registered with the Commission. He was also a registered representative with BAG’s broker-dealer affiliate Buckman, Buckman, & Reid, LLC from 2003 to 2021, a broker-dealer registered with the Commission.

2. On September 14, 2022, a final judgment was entered by consent against Brander, permanently enjoining him from future violations of Section 17(a) of the Securities Act of 1933, Section 10(b) of the Exchange Act and Rule 10b-5 thereunder, and Sections 206(1) and 206(2) of the Advisers Act, in the civil action entitled Securities and Exchange Commission v. Scott Adam Brander, Civil Action Number 2:22-cv-05506-EP-ESK, in the United States District Court for the District of New Jersey.

3. The Commission’s complaint alleged, among other things, that from approximately January 2012 until June 2017, Brander engaged in a fraudulent “cherry-picking” scheme to enrich himself at the expense of his clients. Brander used an average-price account maintained by his employer, BAG, to purchase large blocks of stock on behalf of his own accounts and the accounts of BAG’s advisory clients, without specifying at the time of the purchase whether he was purchasing the stock for himself or for one or more of the clients. Brander then waited to see how the securities performed during the trading day. If, over the course of the trading day, the stock price went up, Brander disproportionately allocated the winning trades to his own accounts, but if the stock price went down, Brander disproportionately allocated the losing trades to the accounts of certain of his clients (the “Disfavored Clients”). Brander received ill-gotten gains of over \$812,000 from this scheme. Brander often used shares of highly-leveraged and risky exchange traded funds (“ETFs”) in his cherry-picking scheme. Brander did not perform any analysis to determine whether these ETFs were suitable for the Disfavored Clients, all of whom were seeking more conservative investments.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Brander’s Offer.

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act, and Section 203(f) of the Advisers Act, that Respondent Brander be, and hereby is barred from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and

Pursuant to Section 15(b)(6) of the Exchange Act, Respondent Brander be, and hereby is barred from participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent or other person who engages in activities with a broker, dealer or issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock.

Any reapplication for association by the Respondent will be subject to the applicable laws and regulations governing the reentry process, and reentry may be conditioned upon a number of factors, including, but not limited to, compliance with the Commission's order and payment of any or all of the following: (a) any disgorgement or civil penalties ordered by a Court against the Respondent in any action brought by the Commission; (b) any disgorgement amounts ordered against the Respondent for which the Commission waived payment; (c) any arbitration award related to the conduct that served as the basis for the Commission order; (d) any self-regulatory organization arbitration award to a customer, whether or not related to the conduct that served as the basis for the Commission order; and (e) any restitution order by a self-regulatory organization, whether or not related to the conduct that served as the basis for the Commission order.

By the Commission.

Vanessa A. Countryman
Secretary