

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 106519 / September 29, 2026

INVESTMENT ADVISERS ACT OF 1940
Release No. 7020 / September 29, 2026

ADMINISTRATIVE PROCEEDING
File No. 3-20565

In the Matter of the Application of

BRIAN D. YARCH

ORDER GRANTING
APPLICATION TO LIFT
LIMITATION ON ACTIVITY

Pursuant to a Commission order, Brian Yarch (“Yarch”) is subject to a limitation on his activities, which specifies that he shall not act in a “chief compliance officer capacity with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization” (the “CCO Limitation”). *In the Matter of Regal Investment Advisors LLC, John A. Kailunas, II, and Brian D. Yarch*, Investment Advisers Act Rel. No. 5865 (Sept. 16, 2021) (the “Order”). The Order further provides that Yarch may apply to act in a chief compliance officer capacity after three years to the appropriate self-regulatory organization, or if there is none, to the Commission. Yarch has submitted an application to remove his CCO Limitation (the “Application”).

Yarch was the Chief Compliance Officer, and a managing member, of investment adviser Regal Investment Advisors LLC (“Regal”), and he was also the President and co-owner of an affiliated broker. On September 16, 2021, the Commission instituted settled administrative and cease-and-desist proceedings against Yarch, Regal, and a second Regal principal (“Second Regal Principal”) for breaching their fiduciary duties by failing to provide advisory services while still charging advisory fees to certain advisory clients after their original investment adviser representatives (“IARs”) left Regal. In the Order, the Commission found that, from at least July 2015 through April 2021, Regal charged advisory fees to approximately 81 client accounts but did not provide advisory services to those accounts. In many instances, Regal failed to notify clients that their IAR had left Regal and been replaced by Yarch and the Second Regal Principal, and some clients received no contact from anyone at Regal after this change took place. The Commission also found that Regal had financial interests in, and received compensation from, a portfolio management company that Regal offered to its clients, but they failed to disclose this affiliation and the resulting conflicts of interest to clients. The Commission further found that Regal failed to adopt and implement written policies and procedures regarding its handling of

account transitions of accounts with departing IARs, review and management of client accounts, and disclosure of all conflicts of interest.

The Commission found that Yarch violated Section 206(2) of the Investment Advisers Act of 1940 (“Advisers Act”) and that Yarch caused Regal’s violations of Advisers Act Section 206(4) and Rule 206(4)-7 thereunder. Yarch consented to the entry of a Commission order without admitting or denying its findings. He agreed to a cease-and-desist order, a censure, payment of a \$50,000 civil penalty, and the CCO Limitation with the right to apply to act in a CCO capacity after three years.¹

The Order further provided that:

Any application by Respondent Yarch to act in such a chief compliance officer capacity will be subject to the applicable laws and regulations governing the reentry process, and permission to act in such a compliance capacity 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 Respondent Yarch, in any action brought by Commission; (b) any disgorgement amounts ordered against Respondent Yarch 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.²

Yarch’s Application includes a sworn declaration stating that he has complied with the CCO Limitation as set forth in the Order. Yarch also attests that the \$50,000 civil penalty ordered against him was remitted into the Fair Fund as required by the Order. Further, he attests that no other disgorgement, arbitration awards, or restitution orders have been ordered against him.

¹ The Commission also found, in its Order, that Regal and the second Regal Principal violated Advisers Act Section 206(2). Without admitting or denying the findings, Regal agreed to pay disgorgement of \$595,899, prejudgment interest of \$100,875, and a civil penalty of \$150,000, as well as to perform certain undertakings. The Commission’s Order created a Fair Fund for the disgorgement, prejudgment interest, and civil penalties paid by Regal and for the \$50,000 civil penalty paid each by Mr. Yarch and the Second Regal Principal.

² Order ¶ IV.D.

In reliance upon the representations made by Yarch, the Commission has concluded that Yarch has fully complied with all relevant conditions set forth in the Order and that lifting his CCO Limitation is appropriate and not adverse to the public interest.

Accordingly, it is ORDERED that the Application submitted by Yarch be, and hereby is, granted.

By the Commission.

Vanessa A. Countryman
Secretary