

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-22308

In the Matter of

DAVID M. ANTHONY,

Respondent.

**MOTION FOR SUMMARY
DISPOSITION**

Pursuant to Rules 154 and 250 of the Commission’s Rules of Practice, 17 C.F.R. §§ 201.154, 201.250, and the Commission’s Orders Instituting Proceedings and Scheduling Briefs, the Division of Enforcement (“Division”) moves for summary disposition of the claims against Respondent David Anthony, and in support thereof states as follows:

The operative facts in this proceeding are identical to those in the related matter of *In re. Epic Capital*, File No. 3-22307, and Division incorporates by reference its Motion for Summary Disposition and Exhibits in that proceeding.¹

Section 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) authorizes the Commission to sanction Anthony if, as relevant here: (1) at the time of the alleged misconduct, he was associated with an investment adviser; (2) he has been enjoined from any action specified in Section 203(e)(4) of the Advisers Act; and (3) the sanction is in the public interest. 15 U.S.C. § 80b-3(f). “[T]he mere existence of an injunction may support . . . a bar from participation in the securities industry where the nature of the acts enjoined and the circumstances indicate that it is in the public interest.” *In re Melton*, SEC Rel. No. 2151,

¹ Citations herein are to the Undisputed Facts set forth in that Motion (hereinafter, the “Epic Capital Motion”) and the Exhibits submitted therewith. Defined terms in the Epic Capital Motion have the same meanings in this Motion.

2003 WL 21729839, at *3 (July 25, 2003).

At the time of the conduct alleged in the State Court action, Anthony was an investment adviser representative licensed in Colorado and was associated with a registered investment adviser, Anthony Capital. Epic Capital Motion ¶ 2; Exs. 5, 25. Anthony's investment adviser representative license was suspended by the Colorado Securities Commissioner until April 17, 2033. Ex. 21. In addition, the State Court enjoined Anthony, for a period of ten years, from:

- a. Offering to sell or selling any securities or investments in the State of Colorado;
- b. Making recommendations or otherwise rendering advice to clients in the State of Colorado regarding securities and managing securities accounts or portfolios for clients in the State of Colorado; and
- c. Engaging in business in the State of Colorado as a securities broker-dealer, sales representative, investment adviser, or investment adviser representative.

Ex. 4. For the reasons set forth in the Epic Capital Motion, the undisputed facts before the Commission support a finding that sanctions are in the public interest.

Accordingly, it is appropriate for the Commission to issue an order barring Anthony from associating with any investment adviser, broker, dealer, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization, with the right to reapply after April 17, 2033, the date on which he may first reapply to be licensed as an investment adviser representative in Colorado.

Respectfully submitted this 13th day of December 2024.

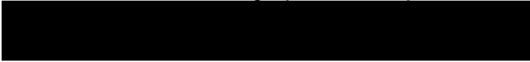
s/ Ian Kellogg _____

Ian Kellogg
Division of Enforcement
Securities and Exchange Commission
Denver Regional Office
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on the following on December 13, 2024, in the manner indicated below:

David Anthony (via email)



s/ Jessica Stamper

Division of Enforcement
Securities and Exchange Commission