

October 7, 2024

**BEFORE THE INVESTOR PROTECTION DIRECTOR
OF THE STATE OF DELAWARE**

In the Matter of)
)
ROBERT BRANDON PRETTYMAN,) Investor Protection Matter No. 24-0117
)
Respondent.)

ADMINISTRATIVE CONSENT ORDER

WHEREAS, Respondent Robert Brandon Prettyman (“Respondent”) was an investment adviser representative and a broker-dealer agent and was registered as such with the State of Delaware (Central Registration Depository (“CRD”) No. 5613767) until June 11, 2021;

WHEREAS, on December 3, 2021, the Investor Protection Unit (the “Unit”) filed an administrative complaint against him which was resolved via an Administrative Consent Order, executed February 3, 2023 (the “2023 Consent Order”);

WHEREAS, pursuant to the 2023 Consent Order, Respondent would remain unregistered in Delaware, and would become eligible for conditional registration on December 31, 2023, if certain conditions were met;

WHEREAS, the 2023 Consent Order prohibited Respondent from conducting advisory business or contacting former clients while unregistered, and from engaging in any other conduct violative of the Delaware Securities Act, 6 *Del. C.* §73-101, *et seq.* (“Act”) and the Rules Pursuant to the Delaware Securities Act, 6 *Del. Admin C.* § 200 (the “Rules”);

WHEREAS, Respondent applied for registration with the Unit on January 23, 2024; however, that application has not yet been approved;

WHEREAS, following an investigation into whether Respondent had been viewing current account information of former Delaware clients while unregistered, the Investor Protection Director (the “Director”) issued a *Summary Order to Cease and Desist and Postponing*

Registration Pending Entry of Denial on May 3, 2024 (the “Summary Order”) ordering (1) postponement of approving Respondent’s registration application pending denial and requesting a bar of registration for five (5) years; (2) Respondent to refrain from (i) engaging in any investment advisory or securities activities in Delaware or with Delaware residents or (ii) having any contact with former Delaware advisory clients in any financial services capacity that would require registration under the Act; (3) Respondent to immediately CEASE and DESIST from engaging in acts and practices that violate the Act, Rules and/or the Consent Order; (4) to immediately terminate any connection between his former Delaware clients and Respondent’s eMoney Advisory, LLC (“eMoney”) account;

WHEREAS, on May 28, 2024, Respondent filed his *Response in Opposition to Cease and Desist and Postponing Registration Pending Entry of Denial* requesting a hearing to contest the Summary Order (the “Answer”);

WHEREAS, on June 20, 2024, Respondent filed his *Amended Response in Opposition to Summary Order to Cease and Desist and Postponing Registration Pending Entry of Denial* (the “Amended Answer”);

WHEREAS, on August 12, 2024, the Unit filed an Administrative Complaint in this matter (the “Administrative Complaint”);

WHEREAS, an evidentiary hearing on the Summary Order was scheduled for August 13, 2024 and August 14, 2024;

WHEREAS, on August 13, 2024, the Unit and Respondent reported on the record that an agreement had been reached between the Respondent and the Unit resolving the need for the evidentiary hearing on the Summary Order;

WHEREAS, on September 24, 2024, Presiding Officer Kelly entered the *Modified Summary Order to Cease and Desist and Postponing Registration Pending Entry of Denial* (the “Modified Summary Order”);

WHEREAS, Respondent has agreed to settle this administrative proceeding, pursuant to the terms specified in this administrative consent order (the “Consent Order”);

WHEREAS, the Director the finds based on the following that this Consent Order and the relief set forth herein are appropriate and in the public interest;

NOW THEREFORE, the Director, hereby enters this Consent Order:

FINDINGS OF FACT

1. On April 4, 2024, while Respondent’s application for registration was pending, a former client of Respondent who lives in Delaware (“Client A”) contacted the Unit about Respondent. Client A stated that he was concerned Respondent has access to his current investment account information.

2. The Unit opened a preliminary investigation based on the information received from Client A.

3. The Unit determined that Respondent has viewed Client A’s account information using eMoney, a third-party data aggregator that permits financial professionals and their clients to access the clients’ information after the clients link their accounts to the portal. The Respondent opened the eMoney portal when he was a registered Investment Adviser. No transactions can be completed on the eMoney platform, however, the platform allowed Respondent to view financial information of clients. The Respondents eMoney portal remained active during the period of his suspension.

4. Respondent's suspension was to be over, and he was permitted to re-apply for registration on December 31, 2023, and upon approval, would be reinstated in the industry and able to contact former clients.

5. Client A had terminated the advisory relationship with Respondent in 2022.

6. The IPU's investigation determined that Respondent used the eMoney platform to view Client A's accounts at least ten times while unregistered.

7. The investigation also determined that, despite being unregistered in Delaware, Respondent had used the eMoney portal to view the accounts of at least four additional former clients who are Delaware residents.

8. The Summary Order, issued on May 3, 2024, ordered Respondent to immediately terminate any connection between his former Delaware clients and his eMoney account.

9. Respondent did not terminate the connection between his former clients and his eMoney account until on or about September 3, 2024.

10. Respondent continued to view the accounts of former Delaware clients after issuance of the Summary Order, at least through May 2024.

CONCLUSIONS OF LAW

11. The Director has jurisdiction over this matter pursuant to Section 73-501 of the Act.

12. The Director concludes that Respondent viewed account information of at least five former Delaware clients without their knowledge and while not registered to do business as an investment adviser representative, which constitute a dishonest and unethical practice in violation of the Act.

13. The Director concludes that, by engaging in conduct that violates the Act as described herein, Respondent also has violated the terms of the Consent Order.

14. The Director concludes that, failing to terminate any connection between his former Delaware clients and his eMoney account after issuance of the Summary Order, Respondent has violated the Summary Order.

15. The Director concludes that, by continuing to view client information while unregistered after issuance of the Summary Order, Respondent violated the Summary Order.

ORDER

Based on the above Findings of Facts and Conclusions of Law, and Respondent's consent to the entry of this Consent Order, IT IS HEREBY ORDERED that:

1. This administrative action is concluded once the Presiding Officer so orders – following Presiding Officer's receipt of a final executed version of the Consent Order and Respondent's Consent to the Entry of the Consent Order.

2. The Unit shall refrain from taking any further administrative or civil action against Respondent, including in connection with future registration applications, regarding the acts or omissions that occurred prior to August 12, 2024 that are within the Unit's knowledge, including but not limited to the acts or omissions that gave rise to (i) Summary Order, and(ii) the Administrative Complaint filed on August 12, 2024 (the "Settled Claims"), provided that (i) Respondent fully complies with, and remains in compliance with, the terms and conditions of this Consent Order and (ii) no new complaints are received by the Unit concerning the Settled Claims.

The Extended Bar Period

3. Respondent shall remain unregistered in Delaware for a period of six (6) months from the date of the entry of this Consent Order (the “Extended Bar Period”).

4. Respondent’s pending registration will be marked “denied.”

5. Respondent will be permitted to apply for restricted “solicitor only” registration, with heightened supervision, no earlier than thirty (30) days prior to the end of the Extended Bar Period but in no event shall be approved to register as a solicitor prior to expiration of the Extended Bar Period. The terms of any heightened supervision shall be submitted to and subject to the approval of the Director in her sole discretion, to assure reasonable oversight, compliance and coordination between the Respondent, any employer, and the Unit during the terms of this Order.

6. The firm submitting Respondent’s application for registration as a “solicitor only” will be responsible for heightened supervision and may contact the Unit upon submission of the application for registration.

7. During the Extended Bar Period, Respondent may not (i) engage in any investment advisory or securities activities in Delaware or with Delaware residents, (ii) have any contact with former advisory clients in any financial services capacity, including selling annuities to former advisory clients, or (iii) use eMoney Advisory, LLC, or any other third-party aggregator, to view the account information of any Delaware resident.

The Solicitation Only Period

8. Upon approval of Respondent’s restricted “solicitor only” registration, Respondent shall remain registered as a “solicitor only” in Delaware for a minimum period of six (6) months from the date of the approval (the “Solicitation Only Period”).

9. Respondent will be permitted to apply for restricted registration, with heightened supervision, no earlier than thirty (30) days prior to the end of the Solicitation Only Period but in no event shall be approved to register prior to expiration of the Solicitation Only Period.

10. The firm submitting Respondent's application for restricted registration will be responsible for heightened supervision and may contact the Unit upon submission of the application for registration. The terms of any heightened supervision shall be submitted to and subject to the approval of the Director in her sole discretion, to assure reasonable oversight, compliance and coordination between the Respondent, any employer and the Unit during the term of this Order.

11. During the Solicitation Only Period, Respondent may act only in the capacity of a "solicitor" under the Act. As a solicitor, Respondent may receive, directly or indirectly, economic benefit from soliciting, referring, offering, or otherwise negotiating for the sale or selling of investment advisory services to clients on behalf of an investment advisory.

12. During the Solicitation Only Period, Respondent may not engage in any investment advisory or securities activities in Delaware or with Delaware residents.

13. During the Solicitation Only Period, Respondent may not receive, directly or indirectly, economic benefit based on advisory services subsequently provided to clients that Respondent had solicited.

Application for Restricted Registration

14. Should Respondent apply for restricted registration in Delaware at the end of the Solicitation Only Period, as set forth above, Respondent will consent to heightened supervision, for which the firm submitting his application for registration will be responsible.

15. Assuming no further violations of law, breaches of this consent order, or violations of the terms of any heightened supervision occur for one (1) year after approval of Respondent's restricted registration in Delaware, heightened supervision will end. The Unit retains the option to extend heightened supervision by up to two six-month periods if it identifies matters of concern during the first year of heightened supervision.

Suspended Penalty

16. Respondent is ordered to pay the sum of \$30,000.00 the payment of which shall be suspended and will come immediately due and payable upon failure to comply with any term of this Consent Order (the "Suspended Penalty") during the term of this Order. The Respondent shall be afforded the opportunity to contest any allegation of noncompliance of this Consent Order. The final determination of the hearing officer will control, unless the matter is appealed to Chancery Court by either party. Payment shall be made by (i) certified check made payable to the Investor Protection Fund and mailed to Jillian Lazar, Director, Investor Protection Unit, 820 N. French St., Wilmington, DE 19801, or (ii) ACH transfer.

The Administrative Complaint

17. Upon entry of this Consent Order by the Presiding Officer, the Unit agrees to withdraw the Administrative Complaint *without prejudice* to, in the Director's discretion, refile the Administrative Complaint (or such other complaint containing similar allegations) if Respondent fails to comply with any term of this Consent Order or heightened supervision. In the event that the Administrative Complaint is refiled the parties the Parties reserve the right to raise all claims and defenses in prior pleadings in this matter.

Other Provisions

18. Should Respondent fail to comply with any term of this Consent Order, he (i) forfeits all benefits of this Consent Order and (ii) is subject to further action by the Director. For sake of clarity, failure of Respondent to comply with any term of this Consent Order shall be deemed a breach of the terms of this Consent Order and the 2023 Consent Order.

19. Respondent is ordered to refrain from committing any future acts or omissions that would violate the Act or the Rules. Should any violative acts or omissions occur, those acts or omissions will be independent violations of this Consent Order, in addition to being violations of the 2023 Consent Order, the Act and the Rules, as appropriate.

20. Unless specifically stated herein, the terms of this Consent Order shall not modify or amend the terms of the 2023 Consent Order.

21. The Unit retains jurisdiction over Respondent for the independent purpose of monitoring compliance with the provisions herein.

22. Respondent waives any right or ability to seek a hearing or judicial review with respect to the terms of this Consent Order, except to the extent that there is a dispute concerning the interpretation or enforcement of the Consent Order and only to the extent permitted by the Act and the Rules promulgated thereunder.

23. Consent Order and any dispute related thereto shall be construed and enforced in accordance with, and governed by, the laws of Delaware without regard to any choice of law principles. The exclusive venue for any litigation related to this Consent Order shall be in New Castle County, Delaware.

SUBMITTED ON BEHALF OF THE UNIT

/s/ Sandra G.M. Selzer
Sandra G.M. Selzer, Esq. (DE Bar #4283)
Deputy Attorney General
Investor Protection Unit

SO ORDERED this 25th day of September, 2024.

/s/ Jillian Lazar
Jillian Lazar
Director of Investor Protection


CONSENT TO THE ENTRY OF THE CONSENT ORDER

Respondent hereby acknowledges that he has been served with a copy of this Consent Order, has read the foregoing Consent Order, has reviewed it with counsel, is aware of his right to a hearing in this matter, and has waived the same.

Respondent accepts the jurisdiction of the Director and consents to entry of this Consent Order by the Director as settlement of the issues addressed in this Consent Order.

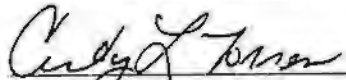
Respondent states that no promise of any kind or nature whatsoever – outside of this Consent Order – was made to induce him to enter into this Order and that he has entered into this Order voluntarily.

Dated this 1 day of October, 2024.


Robert Brandon Prettyman
Respondent

CINDY L TORRES
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires 03-02-2025

SUBSCRIBED AND SWORN TO before me this 1 day of October, 2024


Cindy L Torres
Notary Public

My commission expires: 3/2/2025

This administrative proceeding is hereby concluded.

SO ORDERED this 7th day of October, 2024.


Lynn Kelly, Esq.
Presiding Officer