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8 Attorneys for Complainant
9

10 BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
11 OF THE STATE OF CALIFORNIA
12

13 In the Matter of:)
)
14 THE COMMISSIONER OF FINANCIAL)
PROTECTION AND INNOVATION,) ORDER BARRING ANTHONY CHARLES
15) SPENCER FROM ANY POSITION OF
16 Complainant.) EMPLOYMENT, MANAGEMENT OR
) CONTROL OF ANY INVESTMENT
17 v.) ADVISER, BROKER-DEALER OR
) COMMODITY ADVISER PURSUANT TO
18 ANTHONY CHARLES SPENCER,) CORPORATIONS CODE SECTION 25232.1
19)
20 Respondent.)
)

21
22 The Commissioner (Commissioner) of the Department of Financial Protection and
23 Innovation (DFPI) finds that:

- 24 1. The Commissioner has jurisdiction over the licensing and regulation of investment
25 advisers in California under the Corporate Securities Law of 1968 (CSL) (Cal. Corp. Code, §§
26 25000–25707)
27 2. Anthony Charles Spencer (Spencer) was a senior account executive for Red Rock
28 Secured, LLC (Red Rock) from at least 2018 to August of 2022.

1 3. On May 15, 2023, the DFPI, U.S. Commodity Futures Trading Commission, and
2 State of Hawaii Department of Commerce and Consumer Affairs, Securities Enforcement Branch
3 (collectively, Plaintiffs) filed a civil complaint in federal court against Red Rock, its owner Sean
4 Kelly, and Spencer. The Complaint sought injunctive and other equitable relief, and the imposition
5 of civil penalties, for violations of the federal Commodity Exchange Act, 7 U.S.C. § 9(1) and CFTC
6 Regulation 180.1, 17 C.F.R. § 180.1 as well as violations of state laws, including California
7 Corporations Code sections 25230, 25235, and 29536.

8 4. On April 7, 2024, Spencer consented to entry of a Consent Order of Permanent
9 Injunction and Other Statutory and Equitable Relief Against Defendants (Consent Order) to settle
10 the matters alleged in the Complaint, and all amendments to the Complaint, without a trial on the
11 merits. The court approved the Consent Order on April 23, 2024.

12 5. Pursuant to the terms of the Consent Order, Spencer consented to the entry of this
13 order barring Spencer. In signing the Consent Order, Spencer waived the filing of an accusation
14 pursuant to Government Code sections 11415.40 and 11415.60, as well as the right to a hearing, any
15 reconsideration, appeal, or other right to review provided by the CSL, the California Administrative
16 Procedure Act, the California Code of Civil Procedure, or any other provision of law.

17 NOW THEREFORE, GOOD CAUSE SHOWING, IT IS ORDERED that:

18 Anthony Charles Spencer is barred in the State of California from any position of
19 employment, management, or control of any investment adviser, broker-dealer, or commodity
20 adviser pursuant to California Corporations Code section 25232.1.

21 This Order is effective as of the date hereof.

22 Dated: April 25, 2024
23 Los Angeles, California

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation



24 By

25 _____
26 MARY ANN SMITH
27 Deputy Commissioner
28 Enforcement Division