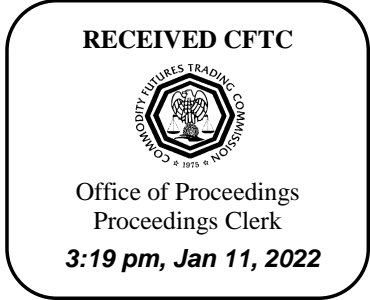


UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION



_____)
In the Matter of:)
)
Ted Brent Alexander,)
)
Registrant.) **CFTC Docket No. SD 21-01**
)
)
_____)

**OPINION AND ORDER ACCEPTING OFFER OF SETTLEMENT OF
TED BRENT ALEXANDER**

I. INTRODUCTION

On September 3, 2021, the Commodity Futures Trading Commission (“Commission”) issued a Notice of Intent To Suspend or Modify Registration Pursuant to Section 8a(11) of the Commodity Exchange Act (“Notice”) against Ted Brent Alexander (“Alexander”). The Notice alleged that Alexander’s registrations as a Commodity Trading Advisor (“CTA”) and Associated Person (“AP”) are subject to statutory suspension pursuant to Section 8a(11) of the Commodity Exchange Act, (the “Act”), 7 U.S.C. § 12a(11) (2018). To resolve this matter, Alexander has submitted an Offer of Settlement (“Offer”) that the Commission has determined to accept.

Alexander acknowledges service of this Opinion and Order Accepting Offer of Settlement (“Order”). To effect settlement of the matters alleged in the Notice and this Order, without taking testimony and prior to any adjudication on any issue of fact or law by the Commission, Alexander consents to the entry of this Order.¹

II. FINDINGS

The Commission finds the following:

¹ Alexander consents to the use of the findings of fact and conclusions of law in this Order in this proceeding and in any other proceeding brought by the Commission or to which the Commission is a party or claimant, and agrees that they shall be taken as true and correct and be given preclusive effect therein, without further proof. Alexander does not consent, however, to the use of this Order, or the findings or conclusions herein, as the sole basis for any other proceeding brought by the Commission or to which the Commission is a party or claimant, other than: a proceeding in bankruptcy or receivership; or a proceeding to enforce the terms of this Order. Alexander does not consent to the use of the Offer or this Order, or the findings or conclusions in this Order, by any other party in any other proceeding.

A. **SUMMARY**

Alexander is registered as a CTA and an AP.

On February 25, 2020, the U.S. Attorney for the Southern District of Mississippi filed an indictment in *United States v. Alexander et al.*, No. 3:20-cr-00031 (S.D. Miss.) charging Alexander with the commission of, or participation in, crimes involving violations of federal law that reflect on the honesty or the fitness of Alexander to act as a fiduciary and that are punishable by imprisonment for a term exceeding one year.

These alleged facts constitute grounds for statutory suspension of Alexander's registrations under Section 8a(11) of the Act, 7 U.S.C. §12a(11) (2018).

B. **REGISTRANT**

Ted Brent Alexander has been registered with the Commission as a CTA and an AP since October 8, 2008.

C. **FACTS**

On February 25, 2020, the United States Attorney for the Southern District of Mississippi filed an indictment in *United States v. Alexander et al.*, No. 3:20-cr-00031 (S.D. Miss.) which charged Alexander with three federal felonies. More specifically, the indictment charged Alexander with one count of conspiracy to commit securities and commodities fraud in violation of 18 U.S.C. § 1349, one count of securities and commodities fraud in violation of 18 U.S.C. § 1348; and four counts of wire fraud in violation of 18 U.S.C. § 1343.

The indictment charges Alexander with the commission of, or participation in, crimes involving violations of federal law that reflect on the honesty or the fitness of Alexander to act as a fiduciary and that are punishable by imprisonment for a term exceeding one year.

III. LEGAL DISCUSSION

Alexander's registrations are subject to statutory suspension under the Act based on the Indictment filed against him. Pursuant to Section 8a(11) of the Act, 7 U.S.C. § 12a(11) (2018), the Commission may suspend or modify the registration of any person if cause exists under Section 8a(11) which would warrant a suspension of such person.

Section 8a(11) authorizes the Commission to suspend or modify the registration of any Commission registrant if it is found, after opportunity for hearing, that the Commission registrant has been a) charged in any information, indictment, or complaint authorized by a United States attorney with the commission or participation in a crime involving a violation... of any provision of federal or state law that would reflect on the honesty or fitness of the person to act as a fiduciary; b) such crime is punishable by imprisonment for a term exceeding one year; and c) the Commission determines that continued registration of the person may pose a threat to the public interest or may threaten to impair public confidence in any market regulated by the Commission.

Alexander is a registrant, subject to an Indictment pending in the District Court in the Southern District of Mississippi charging him with felonies, which form the basis for statutory suspension of his registrations under Section 8a(11) of the Act.

IV. OFFER OF SETTLEMENT

Alexander has submitted an Offer in which, without admitting or denying the allegations in the Notice or this Order, or the findings and conclusions herein, he:

- A. Acknowledges service of the Notice and this Order;
- B. Admits the jurisdiction of the Commission with respect to all matters set forth in the Notice and this Order and for any action or proceeding brought or authorized by the Commission based on violation of or enforcement of this Order;
- C. Waives:
 - 1. A hearing;
 - 2. All post-hearing procedures;
 - 3. Judicial review by any court;
 - 4. Any and all objections to the participation by any member of the Commission's staff in the Commission's consideration of the Offer;
 - 5. Any and all claims that he may possess under the Equal Access to Justice Act, 5 U.S.C. § 504 (2018), and 28 U.S.C. § 2412 (2018), and/or the rules promulgated by the Commission in conformity therewith, Part 148 of the Regulations, 17 C.F.R. pt. 148 (2020), relating to, or arising from, this proceeding;
 - 6. Any and all claims that he may possess under the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. No. 104-121, tit. II, §§ 201-53, 110 Stat. 847, 857-74 (codified as amended at 28 U.S.C. § 2412 and in scattered sections of 5 U.S.C. and 15 U.S.C.), relating to, or arising from, this proceeding; and
 - 7. Any claims of Double Jeopardy based on the institution of this proceeding or the entry in this proceeding of any order imposing a civil monetary penalty or any other relief, including this Order;
- D. Stipulates that the record basis on which this Order is entered shall consist of the Notice and the findings to which Alexander consented to in his Offer, which are incorporated in this Order;
- E. Consents, solely on the basis of the Offer, to the Commission's entry of this Order that:

1. Makes findings that Alexander is subject to a statutory suspension under Section 8a(11) of the Act, 7 U.S.C. § 12a(11) (2018);
2. Orders that Alexander's registrations as a commodity trading advisor and associate person are suspended; and
3. Orders Alexander and his successors and assigns to comply with the conditions and undertakings consented to in the Offer and as set forth in Part V of this Order.

Upon consideration, the Commission has determined to accept the Offer.

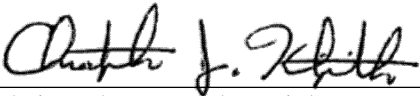
V. ORDER

Accordingly, IT IS HEREBY ORDERED THAT:

- A. Alexander's registrations as a Commodity Trading Advisor and Associated Person are suspended.
- B. Alexander and his successors and assigns shall comply with the following conditions and undertakings set forth in the Offer:
 1. Public Statements: Alexander agrees that neither he nor any of his successors and assigns, agents, or employees under his authority or control shall take any action or make any public statement denying, directly or indirectly, any findings or conclusions in this Order or creating, or tending to create, the impression that this Order is without a factual basis; provided, however, that nothing in this provision shall affect Alexander's: (i) testimonial obligations; or (ii) right to take legal positions in other proceedings to which the Commission is not a party. Alexander and his successors and assigns shall comply with this agreement, and shall undertake all steps necessary to ensure that all of his agents and/or employees under its authority or control understand and comply with this agreement.

The provisions of this Order shall be effective as of this date. A copy of this Order shall be served on Alexander, on all contract markets, and on the National Futures Association.

By the Commission.



Christopher J. Kirkpatrick
Secretary of the Commission
Commodity Futures Trading Commission

Dated: January 11, 2022