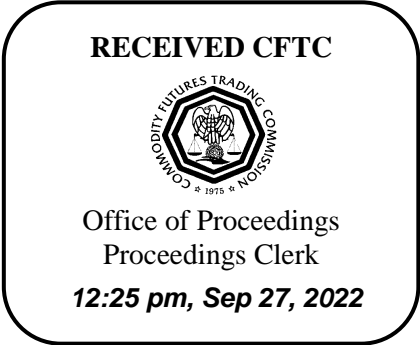


UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION



In the Matter of:)
)
Fintech Investment Group, Inc. and)
Alan Friedland,) **CFTC Docket No. SD 22-01**
)
Respondents.)
)

NOTICE OF INTENT

I.

The Commodity Futures Trading Commission (the “Commission” or “CFTC”) has received information from its staff that tends to show, and the Commission's Division of Enforcement (“Division”) alleges and is prepared to prove, that:

1. Respondent Fintech Investment Group, Inc. (“Fintech”). was a Florida company and used as a mailing address 100 E. New York Ave, Suite 330, Deland, FL 32724. Fintech was established as a corporation on March 29, 2016, and was dissolved on September 27, 2019. At all times since 2016, Fintech has been registered with the Commission as a commodity trading advisor (“CTA”).

2. Respondent Alan Friedland is a resident of Florida and is the founder and sole owner of Fintech. Friedland controlled and directed the activities of Fintech and was an officer, employee, and agent of Fintech. Friedland is registered with the Commission as an Associated Person (“AP”) of Fintech and listed as a principal (as that

term is defined in Regulation 3.1(a), 17 C.F.R. § 3.1(a) (2021)) of Fintech.

3. On April 16, 2020, the Commission filed an action against Respondents and a related entity styled *CFTC v. Fintech Investment Grp. Inc.*, Case No. 6:20-cv-652-WWB-EJK (M.D. Fla. 2020). The Commission’s complaint alleged, *inter alia*, that Respondents fraudulently soliciting more than \$1.6 million from their customers in connection with a foreign currency (forex) and digital asset scheme. Complaint, *CFTC v. Fintech Investment Grp., Inc.* (Apr. 16, 2020), ECF. No. 1, at 1-2, 8-12.

4. On March 24, 2022, U.S. District Judge Wendy W. Berger entered an Order and Permanent Injunction (“Consent Order”) to effect settlement of all charges alleged in the Complaint against Respondents without a complete trial on the merits or any further judicial proceedings. *Id.*, 2022 WL 1819152 (M.D. Fla. Mar. 24, 2022). The Respondents consented to the Consent Order and Permanent Injunction’s entry. *Id.* at *1.

5. In the Consent Order, the Court adopted the parties’ agreed findings of fact and conclusions of law in the parties’ Proposed Consent Order, *Id.*, ECF No. 154-1 at 4-15, and those findings were incorporated by reference as if fully set forth in the Consent Order. 2022 WL 1819152, at *1.

6. Incorporated paragraphs 12 and 13 of the parties’ Proposed Consent Order find that Respondents consented “to the use of the findings and conclusions in this Consent 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.” *Id.*, ECF No. 154-1, at 4. Further, Respondents “[d]o not consent, however, to the use of this Consent Order, or the findings and conclusions [therein], as the sole basis for any other proceeding brought by the Commission or to which the Commission is a party, other than a statutory disqualification proceeding;” *Id.*

7. Respondents consented to the use by the Commission of the conclusions of law that they violated 7 U.S.C. §§ 6b(a)(2)(A)-(C), 6o(1)(A)-(B), and 9(1), and 17 C.F.R. §§ 4.41(a), 4.41(b), and 5.2(b)(1)-(3). *Id.* ECF No. 154-1, at 4, 11-15.

8. The Consent Order permanently restrained, enjoined, and prohibited Respondents from directly or indirectly:

- A. Trading on or subject to the rules of any registered entity (as that term is defined in 7 U.S.C. § 1a(40));
- B. Entering into any transactions involving “commodity interests” (as that term is defined in 17 C.F.R. § 1.3), for their own personal account or for any account in which they have a direct or indirect interest;
- C. Having any commodity interests traded on their behalf;
- D. Controlling or directing the trading for or on behalf of any other person, entity, whether by power of attorney or otherwise, in any account involving commodity interests;
- E. Soliciting, receiving, or accepting any funds from any person for the purpose of purchasing or selling any commodity interests;
- F. Applying for registration or claiming exemption from registration with the Commodity Futures Trading Commission (“CFTC”) in any capacity, and engaging in any activity requiring such registration or exemption from registration with the CFTC, except as provided for in 17 C.F.R. § 4.14(a)(9); and
- G. Acting as a principal (as that term is defined in 17 C.F.R. § 3.1(a)), agent, or any other officer or employee of any person (as that term is defined in 7 U.S.C. § 1a(38)), registered, exempted from registration, or required to be registered with the CFTC except as provided for in

17 C.F.R. § 4.14(a)(9).

2022 WL 1819152, at *1-2.

9. Pursuant to Section 8a(2)(C) of the Act, 7 U.S.C. § 12a(2)(C), the Commission may revoke the registration of any person who has been permanently enjoined by order of a court of competent jurisdiction, including an order entered pursuant to an agreement of settlement to which the Commission is a party from certain enumerated activities, including but not limited to: acting as CTA or an AP of any registrant under the Act.

10. Pursuant to Section 8a(2)(E) of the Act, 7 U.S.C. § 12a(2)(E), the Commission may revoke the registration of any person if such person has been found in a proceeding brought by the Commission to have violated any provision of the Act involving, among other things, fraud.

11. Pursuant to Section 8a(2)(H), 7 U.S.C. § 12(a)(2)(H), of the Act, the Commission may revoke the registration of any person if revocation of the registration of any principal of such person is warranted pursuant to Section 8a(2) of the Act. Section 8a(2)(H) of the Act further provides that “principal,” as used in Section 8a(2) of the Act, includes, if the person is a corporation, any officer, director, or beneficial owner of at least 10 per centum of the voting shares of the corporation, and any other person that the Commission by rule, regulation or order determines has the power, directly or indirectly, through agreement or otherwise, to exercise a controlling influence over the activities of such person.

12. Accordingly, the facts set forth above constitute valid bases for statutory

disqualifications and for the Commission to revoke Fintech's registration as a CTA and Friedland's registration as an AP of Fintech.

II.

13. Pursuant to its responsibilities under the Act and by reason of the foregoing allegations by the Division, the Commission deems it necessary and appropriate that public proceedings be conducted in accordance with the provisions of Commission Regulation 3.60, 17 C.F.R. § 3.60 (2021), to determine whether Fintech and Friedland are subject to statutory disqualification as alleged and, if so, whether the Commission should revoke Respondents' registrations.

14. Pursuant to Regulation 3.60(a), 17 C.F.R. § 3.60(a), Fintech and Friedland are hereby notified that a public proceeding shall be conducted on the following questions:

a. Whether Fintech is subject to statutory disqualification from registration under Section 8a(2)(C), (E), and (H) of the Act, 7 U.S.C. § 12(a)(2)(C), (E), (H) as set forth in Section I above.

b. Whether Friedland is subject to statutory disqualification from registration under Section 8a(2)(C) and (E) of the Act, 7 U.S.C. § 12(a)(2)(C), (E), as set forth in Section I above; and

c. If the answer to the above questions in this paragraph is affirmative, whether the registrations of Fintech as a CTA and Friedland as an AP of Fintech should be revoked.

15. Such proceeding shall be held before a Presiding Officer in accordance with Regulations 3.60 and 10.8, 17 C.F.R. §§ 3.60, 10.8 (2021), and all post-hearing procedures

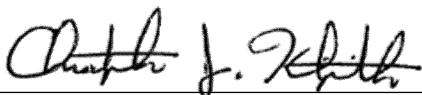
shall be conducted pursuant to Regulation 3.60(i)-(j), 17 C.F.R. § 3.60(i)-(j).

16. In accordance with the provisions of Commission Regulation 3.60(a)(3), 17 C.F.R. §3.60(a)(3), the Respondents are entitled to file a response challenging the evidentiary bases of statutory disqualification or to show cause why, notwithstanding the accuracy of the allegations, their registrations should not be revoked. Such response must be filed with the Proceedings Clerk, Office of Proceedings, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581, and served upon K. Brent Tomer, Chief Trial Attorney, Division of Enforcement, Eastern Regional Office, 290 Broadway, 6th Fl., New York, NY, 10005, within thirty (30) days after the date of service of this Notice on the Registrant, in accordance with the provisions of Commission Regulation 3.60(g), 17 C.F.R. § 3.60(g).

III.

The Proceedings Clerk shall serve this Notice of Intent to Revoke the Registrations of Fintech and Friedland in accordance with Regulation 3.50, 17 C.F.R. § 3.50 (2021), or by any other means permitted under the Act or Regulations thereunder.

By the Commission.



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

Dated: September 27, 2022