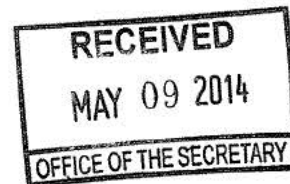


UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION



ADMINISTRATIVE PROCEEDING
File No. 3-15754

In the Matter of

MARK ANDREW SINGER,

Respondent.

MOTION FOR DEFAULT

The Division of Enforcement (“Division”), by counsel, pursuant to the Securities and Exchange Commission (“Commission”) Rules of Practice 154 and 155, respectfully moves the Court for an order of default against Respondent Mark Andrew Singer (“Respondent” or “Singer”) containing the following relief:

Pursuant to Section 15(b)(6) of the Securities Exchange Act of 1934, barring Respondent from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and barring him from participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent, or other person who engages in activities with a broker, dealer, or issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock; and

Pursuant to Section 203(f) of the Investment Advisers Act of 1940, barring Respondent from association with any investment adviser, broker, dealer,

municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization.

In support of its motion, the Division submits the below Brief In Support of Motion for Default.

BRIEF IN SUPPORT OF MOTION FOR DEFAULT

I. Introduction

On February 18, 2014, the Commission issued an Order Instituting Administrative Proceedings (“OIP”) alleging that Respondent, who was formerly associated with a registered broker-dealer and registered investment adviser, was convicted on January 19, 2011, of five counts of theft in an amount greater than \$100,000 in Indiana v. Mark Singer, Cause No. 49G03-0807-FC-167038 (Ind. Super. Ct. for Marion Cnty). (“Singer”). OIP at 1. Respondent was sentenced to three years of incarceration and two years to be served through community corrections. That sentence was modified on January 31, 2012, to give additional credit for confinement prior to sentencing, and his incarceration was reduced by two years. OIP at 1-2.

Respondent was served with the OIP on February 22, 2014. See Mark Andrew Singer, Admin. Proc. Rulings Release No. 1299, 2014 SEC LEXIS 896 (Mar. 12, 2014). Respondent failed to file an Answer to the OIP within the requisite time period, and in fact still has not answered the OIP.

On March 13, 2014, the Division filed copies with this Court of the Grand Jury Indictment (certified August 5, 2013), the Amended Grand Jury Indictment (certified August 5, 2013), the Abstract of Judgment (certified August 5, 2013), the Order of Probation (certified August 5, 2013), the Abstract of Judgment (Amended) (certified August 5, 2013), and the Order of Probation (Amended) (certified August 5, 2103) in Singer.

A pre-hearing status conference was held on April 14, 2014. In its Order Following Prehearing Conference, the Court took official notice of the materials in Singer and held that Respondent is in default because he did not file an answer to the allegations in the OIP, did not participate in the prehearing conference, and has not otherwise defended the proceedings. During the prehearing conference, the Court asked the Division to file this Motion for Default so that the record would include the information necessary to make detailed public interest determinations. See Mark Andrew Singer, Admin. Proc. Rulings Release No. 1379, 2014 SEC LEXIS 1321, at *2 (Apr. 15, 2014). The Division hereby sets forth the information requested by the Court to support the relief requested and a finding that an industry-wide bar is in the public interest.

II. Statement of Facts

From September 2004 to February 2007, Respondent was a registered representative associated with Citigroup Global Markets, Inc., a broker-dealer and investment adviser registered with the Commission. OIP at 1; See Web CRD printout of Respondent's Employment History, attached as Exhibit ("Ex.") 1 to the Declaration of Steve Varholik in Support of the Division's Motion for Default ("Varholik Decl.").

On January 19, 2011, Singer was convicted of five counts of felony theft in an amount greater than \$100,000 in violation of Ind. Code § 35-43-4-2(a)(1) before the Marion County Superior Court in Singer. OIP at 1. He was sentenced to serve three years of incarceration at the Indiana Department of Corrections in addition to two years to be served through community corrections. OIP at 1-2. On January 31, 2012, the Court modified the sentence, giving him additional credit for confinement prior to sentencing, and reducing his term of incarceration by two

years. OIP at 2. See Abstract of Judgment (certified August 5, 2013) and Abstract of Judgment (Amended) (certified August 5, 2013).

The five theft counts on which Singer was convicted alleged that, in December 2004 and April of 2005, Singer and two co-defendants knowingly exerted unauthorized control over perpetual care trust and/or pre-need trust monies of a corporation, with the intent to deprive the corporation of the value or use of the monies, by unlawfully wiring the funds to third parties. OIP at 2. See Amended Grand Jury Indictment (certified August 5, 2013) and Abstract of Judgment (Amended) (certified August 5, 2013). At the time of his criminal conduct, Respondent was associated with Citigroup Global Markets, Inc., which, at the time of Respondent's association, was a broker-dealer and investment adviser registered with the Commission. See Web CRD printout of Citigroup Global Markets Inc.'s Registration Record, attached as Varholik Decl. Ex. 2.

III. Argument

When considering whether a sanction serves the public interest, the Commission considers the factors identified in Steadman v. SEC, 603 F.2d 1126, 1140 (5th Cir. 1979), aff'd on other grounds, 450 U.S. 91 (1981): the egregiousness of the respondent's actions, the isolated or recurrent nature of the infraction, the degree of scienter involved, the sincerity of the respondent's assurances against future violations, the respondent's recognition of the wrongful nature of his or her conduct, and the likelihood that the respondent's occupation will present opportunities for future violations. "The Commission's inquiry into the appropriate sanction to protect the public interest is a flexible one, and no one factor is dispositive." David Henry Disraeli, Exchange Act Rel. No. 57027 (Dec. 21, 2007).

An industry-wide bar, preventing Respondent from participating in the securities industry and from participating in any penny stock offering, is in the public interest and would protect the public for the following reasons.

First, Respondent's criminal conduct was egregious. In Singer, the jury found, beyond a reasonable doubt, that Respondent committed felony theft against Memory Gardens Management Corporation ("MGMC") under the law of the State of Indiana. Specifically, the jury that convicted Respondent found that on two separate days, in two different years, and with respect to five separate counts, he "knowingly, exerted unauthorized control, over the property that is, perpetual care trust and/or pre-need trust money of [MGMC]" with the "intent to deprive [MGMC] of any part of its value or use." The value of said property was: \$13,000,000.00 (Count I); \$4,000,000.00 (Count II); \$1,200,000.00 (Count III); \$3,000,000.00 (Count IV); and \$1,100,000.00 (Count V). See Jury Instruction Numbers 7, 7A, 8, 8A, 9, 9A, 10, 10A, 11, 11A (Certified April 16, 2014) and Jury Verdict Forms – Count I, II, II, IV, and V (Certified April 16, 2014), attached as Varholik Decl. Ex. 3. In total, Respondent committed theft of over \$22 million of someone else's money. The Singer Court also found that Respondent used his position of trust as a financial advisor to carry out his crimes and that this was a significant harm. See Sentencing Transcript, pp. 1961-1962 (Certified April 29, 2014), Varholik Decl. Ex. 4. During Respondent's sentencing, in describing the aggravating circumstances of his crimes, the Singer Court, stated:

With respect to the planning and length of time involved, along with the position of trust that you held as a financial advisor, along with the multiple counts that were involved, and at least two different days involved, in two separate years those days actually occurred, and then looking at the amount of money involved, the Court clearly finds that you did -- your actions were above and beyond that which was required to meet the elements of a Class C Felony.

Specifically, the C Felony -- it's elevated to a C Felony if the amount involved was \$100,000 or more. I show that your crimes took a minimum in one count of \$1.1 million, up to \$13 million in another count, and that in total all five counts involved a sum over \$22 million, all someone else's money, all money that you thought you could take control of, I guess, because you thought no one was watching close enough and you'd never get caught.

So, again, the public Mark Singer different than the private Mark Singer. But, the bottom line is that this crime is clearly just one that was motivated -- motivated by your greed.

See Sentencing Transcript, pp. 1961-1962, Varholik Decl. Ex. 4. Respondent's conduct was egregious.

Second, Respondent's conduct was not an isolated occurrence, but rather recurrent. A jury found that there were multiple counts, comprising five separate crimes of felony theft, each which was over a million dollars. Respondent committed theft of a total of \$22 million, on at least two different days, in two different years. (Emphasis added). See Abstract of Judgment (certified August 5, 2013) and Abstract of Judgment (Amended) (certified August 5, 2013); see also Sentencing Transcript, pp 1961-1962, Varholik Decl. Ex. 4.

Third, Respondent acted with scienter in committing these crimes. The jury that convicted Respondent was instructed that a person engages in conduct "intentionally," if, when he engages in the conduct, "it is his conscious objective to do so" and he engages in conduct "knowingly," if, when he engages in the conduct, "he is aware of a high probability that he is doing so." See Jury Instruction Number 15 (Certified April 16, 2014), attached as Varholik Decl. Ex. 5. The jury in Singer found that Respondent had engaged in his criminal conduct knowingly and intentionally, beyond a reasonable doubt.

Fourth, the Respondent has not made any assurances against future violations.

Fifth, Respondent has not recognized his wrongful conduct. He was convicted by a jury. Respondent not only failed to recognize his wrongful conduct, he did not accept responsibility

for his crimes and appealed his conviction as unsupported by sufficient evidence. See Singer v. State, Ind. App. Unpub. LEXIS 1176, *; 952 N.E.2d 889 (Aug. 26, 2011). On appeal, his conviction was affirmed. See Singer, Ind. App. Unpub. LEXIS, at *20. In these proceedings, Respondent also did not file an answer to the allegations in the OIP, did not participate in the prehearing conference, and has not otherwise defended these proceedings. He has failed to present any recognition of his criminal conduct or any information to this Court that would mitigate the seriousness of his criminal conduct.

Finally, there is a real likelihood that, absent a collateral bar, the Respondent will have opportunities for future violations. At age 48, Respondent presumably still has many working years ahead of him. He has experience in, and knowledge of, the securities industry. He held Series 7, 63, and 65 licenses. See Web CRD printout of Respondent's Employment History, Varholik Decl. Ex. 1. It is entirely possible that Respondent may seek to re-enter the securities industry, or participate in a penny stock offering, in the absence of a bar preventing him from doing so.

In sum, a full industry-wide bar against Respondent is appropriate and in the public interest in order to "ensure honest securities markets, [and] thereby promot[e] investor confidence." United States v. O'Hagan, 521 U.S. 642, 658 (1997). A collateral bar in this case would further serve as a "prospective remedy to 'protect investors against fraud and . . . promote ethical standards of honesty and fair dealing' in the securities markets." Ernst & Ernst v. Hochfelder, 425 U.S. 185, 195 (1976).

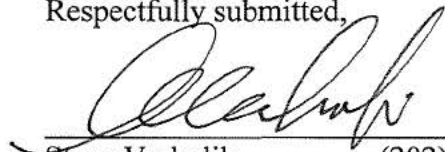
III. Conclusion

The factual allegations in the OIP are not in dispute. Moreover, for the reasons set forth above, the imposition of collateral and penny-stock bars are supported by the Steadman factors

and would be in the public interest. Accordingly, the Division respectfully requests that the Court grant its Motion for Default in this matter and issue an Initial Decision imposing such bars on Respondent.

Dated: May 9, 2014

Respectfully submitted,



Steve Varholik (202) 551-5615

David Frohlich (202) 551-4963

Securities and Exchange Commission

100 F Street, N.E.

Washington, D.C. 20549-5030

COUNSEL FOR
DIVISION OF ENFORCEMENT

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-15754

<p>In the Matter of</p> <p>MARK ANDREW SINGER,</p> <p>Respondent.</p>
--

DECLARATION OF STEVE VARHOLIK IN SUPPORT OF
DIVISION OF ENFORCEMENT'S MOTION FOR DEFAULT

Steve Varholik, pursuant to 28 U.S.C. § 1746, declares:

I am a Senior Counsel with the Division of Enforcement ("Division") of the Securities and Exchange Commission ("Commission"), and co-counsel for the Division in the above-captioned administrative proceeding. I submit this Declaration in support of the Division's Motion for Default.

Attached hereto as Exhibit 1 is a true copy of a Web CRD printout of Respondent's Employment History, including his employment at Citigroup Global Markets, Inc.

Attached hereto as Exhibit 2 is a true copy of a Web CRD printout of Citigroup Global Market Inc.'s Registration Record.


Attached hereto as Exhibit 3 is a true copy of the Jury Instruction Numbers 7, 7A, 8, 8A, 9, 9A, 10, 10A, 11, 11A (Certified April 16, 2014) and Jury Verdict Forms – Count I, II, III, IV, and V (Certified April 16, 2014) in Indiana v. Mark Singer, Cause No. 49G03-0807-FC-167038 (Ind. Super. Ct. for Marion Cnty.) ("Singer").

Attached hereto as Exhibit 4 is a true copy of an excerpt of the Sentencing Transcript in Singer, dated March 14, 2011 (Certified April 28, 2014).

Attached hereto as Exhibit 5 is a true copy of the Jury Instruction Number 15 (Certified April 16, 2014) in Singer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 9, 2014.



Steve Varholik

EXHIBIT 1

U4 Employment History

Individual CRD#: XXXXXXXXXX

Individual Name: SINGER, MARK A

Office of Employment Address History

From	To	Firm	CRD Branch Number	NYSE Branch Code Number	Firm Billing Code	Address	Type of Office	Private Residence
09/03/2004	02/02/2007	CITIGROUP GLOBAL MARKETS INC. (7059)	89244	00735-0	00735-0	12 TERRY DRIVE NEWTOWN, PA 18940	Located At	No
09/03/2004	12/01/2005	CITIGROUP GLOBAL MARKETS INC. (7059)	Non Registered Location		00735	12 TERRY DRIVE NEWTOWN, PA 18940	Located At	No
04/02/2001	09/03/2004	DEUTSCHE BANK SECURITIES INC. (2525)	Non Registered Location		408048	ONE PICKWICK PLAZA 3RD FLOOR GREENWICH, CT 06830	Located At	No
12/20/1998	03/30/2001	ZACHARY JACKSON SECURITIES, LP (38553)	Non Registered Location			294 MORRIS AVENUE SPRINGFIELD, NJ 07092	Located At	No

Please note that data contained in the U4 EMPLOYMENT HISTORY SCREEN is updated only by a U4 and does not reflect any changes made by the filing of a U5.

Employment History

From	To	Name	Investment Related Business?	City	State	Country	Position
09/2004	Present	CITIGROUP GLOBAL MARKETS INC	Y	NEWTOWN	PA	USA	FINANCIAL CONSULTANT
04/2001	09/2004	DEUTSCHE BANC ALEX. BROWN INC.	Y	GREENWICH	CT	USA	REGISTERED REPRESENTATIVE
12/1998	03/2001	ZACHARY JACKSON SECURITIES, LP	Y	MOUNTAINSIDE	NJ		NOT PROVIDED
05/1996	10/1998	43 APPAREL CORP	N	NY	NY		PRESIDENT - PRESIDENT
01/1983	04/1996	DEPECHE MODE	N	NY	NY		VICE_PRESIDENT - VICE PRESIDENT

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U4 Employment History

Individual CRD#: XXXXXXXXXX

Individual Name: SINGER, MARK A

Office of Employment Address History

From	To	Firm	CRD Branch Number	NYSE Branch Code Number	Firm Billing Code	Address	Type of Office	Private Residence
09/03/2004	02/02/2007	CITIGROUP GLOBAL MARKETS INC. (7059)	89244	00735-0	00735-0	12 TERRY DRIVE NEWTOWN, PA 18940	Located At	No
09/03/2004	12/01/2005	CITIGROUP GLOBAL MARKETS INC. (7059)	Non Registered Location		00735	12 TERRY DRIVE NEWTOWN, PA 18940	Located At	No
04/02/2001	09/03/2004	DEUTSCHE BANK SECURITIES INC. (2525)	Non Registered Location		408048	ONE PICKWICK PLAZA 3RD FLOOR GREENWICH, CT 06830	Located At	No
12/20/1998	03/30/2001	ZACHARY JACKSON SECURITIES, LP (38553)	Non Registered Location			294 MORRIS AVENUE SPRINGFIELD, NJ 07092	Located At	No

Please note that data contained in the U4 EMPLOYMENT HISTORY SCREEN is updated only by a U4 and does not reflect any changes made by the filing of a U5.

Employment History

From	To	Name	Investment Related Business?	City	State	Country	Position
09/2004	Present	CITIGROUP GLOBAL MARKETS INC	Y	NEWTOWN	PA	USA	FINANCIAL CONSULTANT
04/2001	09/2004	DEUTSCHE BANC ALEX. BROWN INC.	Y	GREENWICH	CT	USA	REGISTERED REPRESENTATIVE
12/1998	03/2001	ZACHARY JACKSON SECURITIES, LP	Y	MOUNTAINSIDE	NJ		NOT PROVIDED
05/1996	10/1998	43 APPAREL CORP	N	NY	NY		PRESIDENT - PRESIDENT
01/1983	04/1996	DEPECHE MODE	N	NY	NY		VICE_PRESIDENT - VICE PRESIDENT

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Registrations Summary

Individual CRD#: XXXXXXXXXX

Individual Name: SINGER, MARK A

Current Firm(s):

Registrations Summary With Current Employers

 No Current Employers Found.

Prior Firm(s):

Registrations Summary With Prior Employers

Firm Name	Firm CRD	Start Date	End Date	IARD Regs.	CRD Regs.	SFG Member
<u>CITIGROUP GLOBAL MARKETS INC.</u>	<u>7059</u>	09/2004	02/2007	N	N	N
<u>DEUTSCHE BANK SECURITIES INC.</u>	<u>2525</u>	04/2001	09/2004	N	N	N
<u>ZACHARY JACKSON SECURITIES, LP</u>	<u>38553</u>	12/1998	03/2001	N	N	N

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Registrations with Prior Employers

Firm CRD # : 7059

Firm Name : CITIGROUP GLOBAL MARKETS INC.

Employment Start Date	09/03/2004
Employment End Date	02/02/2007
Reason for Termination	Voluntary
Termination Comment	
Firm Name at Termination	CITIGROUP GLOBAL MARKETS INC.

Regulatory Authority	Registration Category	Filing Date	Status Date	Registration Status	Approval Date
FINRA	<u>GS</u>	09/03/2004	02/28/2007	TERMED	09/03/2004
PA	<u>AG</u>	09/03/2004	02/28/2007	TERMED	09/03/2004

Regulatory Authority	Registration Category	Filing Date	Status Date	Registration Status	Approval Date
ARCA	<u>GS</u>	09/03/2004	02/28/2007	TERMED	09/03/2004
CBOE	<u>GS</u>	09/03/2004	02/28/2007	TERMED	09/03/2004
NQX	<u>GS</u>	07/29/2006	02/28/2007	TERMED	07/12/2006
NYSE	<u>GS</u>	09/03/2004	02/28/2007	TERMED	09/03/2004
NYSE-MKT	<u>GS</u>	09/03/2004	02/28/2007	TERMED	09/03/2004
PHLX	<u>GS</u>	09/03/2004	02/28/2007	TERMED	09/03/2004
AL	<u>AG</u>	09/03/2004	12/12/2005	TERMED	09/08/2004

AR	AG	03/03/2005	02/28/2007	TERMED	03/03/2005
CA	AG	09/03/2004	02/28/2007	TERMED	09/03/2004
CO	AG	09/03/2004	12/12/2005	TERMED	09/07/2004
CT	AG	09/03/2004	02/28/2007	TERMED	09/03/2004
DE	AG	05/16/2006	02/28/2007	TERMED	05/18/2006
DE	AG	09/03/2004	12/12/2005	TERMED	09/09/2004
FL	AG	09/03/2004	02/28/2007	TERMED	09/03/2004
GA	AG	09/03/2004	02/28/2007	TERMED	09/03/2004
IA	AG	05/16/2005	12/12/2005	TERMED	05/16/2005
IL	AG	09/03/2004	12/12/2005	TERMED	09/03/2004
IN	AG	09/03/2004	02/28/2007	TERMED	09/03/2004
KS	AG	07/22/2005	12/12/2005	TERMED	07/25/2005
LA	AG	09/03/2004	12/12/2005	TERMED	09/10/2004
MA	AG	09/03/2004	12/12/2005	TERMED	09/08/2004
MD	AG	09/03/2004	12/12/2005	TERMED	09/03/2004
MI	AG	09/03/2004	02/28/2007	TERMED	09/03/2004
NC	AG	09/03/2004	12/12/2005	TERMED	09/07/2004
NJ	AG	09/03/2004	02/28/2007	TERMED	09/03/2004
NM	AG	09/03/2004	12/12/2005	TERMED	09/10/2004
NV	AG	05/26/2006	02/28/2007	TERMED	06/06/2006
NY	AG	09/03/2004	02/28/2007	TERMED	09/03/2004
OH	AG	09/03/2004	02/28/2007	TERMED	09/03/2004
OK	AG	09/03/2004	02/28/2007	TERMED	09/03/2004
OR	AG	09/03/2004	12/12/2005	TERMED	09/03/2004
TN	AG	09/03/2004	12/12/2005	TERMED	09/03/2004
TX	AG	09/03/2004	12/12/2005	TERMED	09/03/2004

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Registrations with Prior Employers

Firm CRD # : 2525

Firm Name : DEUTSCHE BANK SECURITIES INC.

Employment Start Date	04/02/2001
Employment End Date	09/03/2004
Reason for Termination	Voluntary
Termination Comment	
Firm Name at Termination	DEUTSCHE BANK SECURITIES INC.

Regulatory Authority	Registration Category	Filing Date	Status Date	Registration Status	Approval Date
FINRA	GS	04/04/2001	09/10/2004	TERMED	04/04/2001
PA	AG	04/04/2001	09/10/2004	TERMED	04/04/2001

Regulatory Authority	Registration Category	Filing Date	Status Date	Registration Status	Approval Date
ARCA	GS	04/04/2001	09/10/2004	TERMED	04/04/2001
CBOE	GS	04/04/2001	09/10/2004	TERMED	04/04/2001

NYSE	GS	04/04/2001	09/10/2004	TERMED	04/06/2001
NYSE-MKT	GS	04/04/2001	09/10/2004	TERMED	04/04/2001
PHLX	GS	04/04/2001	09/10/2004	TERMED	04/04/2001
CA	AG	04/04/2001	09/10/2004	TERMED	04/04/2001
CT	AG	04/04/2001	09/10/2004	TERMED	04/04/2001
CT	RA	04/15/2002	09/10/2004	TERMED	04/20/2001
DE	AG	04/04/2001	12/31/2001	TERMED	04/05/2001
FL	AG	04/04/2001	09/10/2004	TERMED	04/04/2001
GA	AG	04/04/2001	09/10/2004	TERMED	04/04/2001
IA	AG	04/04/2001	12/31/2001	TERMED	04/05/2001
ID	AG	04/04/2001	09/10/2004	TERMED	04/05/2001
IL	AG	10/23/2002	09/10/2004	TERMED	10/23/2002
IL	AG	04/04/2001	12/31/2001	TERMED	04/18/2001
IN	AG	04/04/2001	09/10/2004	TERMED	04/05/2001
KS	AG	04/04/2001	12/31/2001	TERMED	04/04/2001
MA	AG	04/04/2001	12/31/2001	TERMED	04/04/2001
MD	AG	05/08/2002	09/10/2004	TERMED	05/09/2002
MD	AG	04/04/2001	12/31/2001	TERMED	04/04/2001
MI	AG	09/29/2003	09/10/2004	TERMED	10/02/2003
MO	AG	05/08/2002	09/10/2004	TERMED	05/09/2002
NJ	AG	04/04/2001	09/10/2004	TERMED	04/04/2001
NM	AG	04/04/2001	12/31/2001	TERMED	04/16/2001
NY	AG	04/04/2001	09/10/2004	TERMED	04/04/2001
OH	AG	04/04/2001	09/10/2004	TERMED	04/05/2001
OK	AG	11/24/2003	09/10/2004	TERMED	11/25/2003
RI	AG	04/11/2001	12/31/2001	TERMED	04/20/2001
TN	AG	07/09/2004	09/10/2004	TERMED	07/09/2004
TN	AG	04/04/2001	12/31/2001	TERMED	04/05/2001
TX	AG	04/04/2001	09/10/2004	TERMED	04/05/2001
WA	AG	04/04/2001	12/31/2001	TERMED	04/05/2001

[Back to Top](#)**Registrations with Prior Employers**Firm CRD # : 38553

Firm Name : ZACHARY JACKSON SECURITIES, LP

Employment Start Date	12/20/1998
Employment End Date	03/30/2001
Reason for Termination	Voluntary
Termination Comment	
Firm Name at Termination	ZACHARY JACKSON SECURITIES, LP

Regulatory Authority	Registration Category	Filing Date	Status Date	Registration Status	Approval Date
FINRA	GS	07/05/1999	04/03/2001	TERMED	04/05/1999
PA	AG	07/05/1999	04/03/2001	TERMED	04/29/1999

Regulatory Authority	Registration Category	Filing Date	Status Date	Registration Status	Approval Date
CA	AG	08/27/1999	04/03/2001	TERMED	08/31/1999
CT	AG	07/05/1999	04/03/2001	TERMED	05/14/1999
FL	AG	07/05/1999	04/03/2001	TERMED	04/07/1999
GA	AG	11/02/2000	04/03/2001	TERMED	11/02/2000
MA	AG	07/05/1999	04/03/2001	TERMED	05/06/1999
NJ	AG	07/05/1999	04/03/2001	TERMED	04/07/1999
NY	AG	07/05/1999	04/03/2001	TERMED	04/22/1999

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Exam Information

Individual CRD#: XXXXXXXXXX

Individual Name: SINGER, MARK A

Exam History								
Exam	Enrollment ID	Exam Status	Status Date	Exam Date	Grade	Score	Window Begin Date	Window End Date
S7	23068471	Official Result	12/28/1998	12/28/1998	Passed	87		
S63	23068469	Official Result	01/15/1999	01/15/1999	Passed	86		
S65	23068470	Official Result	01/22/1999	01/22/1999	Passed	82		

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EXHIBIT 2

Organization Registration Status

Organization CRD Number: 7059 Organization Name: CITIGROUP GLOBAL MARKETS INC.

Organization SEC Number: 8-8177 Applicant Name: CITIGROUP GLOBAL MARKETS INC.

[View IA Record](#)

SEC / Jurisdiction / FINRA	Registration Status	Status Effective Date
<u>SEC</u>	Approved -	01/25/1960
<u>FINRA</u>	Approved -	10/16/1936
<u>NY</u>	Approved -	01/02/1985

SEC / SRO / Jurisdiction	Registration Status	Status Effective Date
<u>SEC</u>	Approved -	01/25/1960
<u>BATS-YX</u>	Approved -	12/15/2010
<u>BATS-ZX</u>	Approved -	09/24/2008
<u>CBOE</u>	Approved -(CBOE&CBSX)	12/26/1972
<u>CHX</u>	Approved -	02/02/1986
<u>EDGA</u>	Approved -APPROVED - WAIVED-IN	05/25/2010
<u>EDGX</u>	Approved -APPROVED - WAIVED-IN	05/27/2010
<u>FINRA</u>	Approved -	10/16/1936
<u>ISE</u>	Approved -	05/25/2000
<u>BX</u>	Approved -BX APPROVED 10/6/2009	10/06/2009
<u>PHLX</u>	Approved -PSX PARTICIPANT 11/02/2011	11/02/2011
<u>NOX</u>	Approved -NOM APPROVAL 03/12/2008	07/12/2006
<u>ARCA</u>	Approved -ARCA-ETP APPLICATION :APPROVED-ARCA METP APPLICATION, 05/02/2011.	01/27/2010
<u>NYSE-MKT</u>	Approved -NYSE AMEX EQUITY FIRM ("ATL")	02/25/1988
<u>NSX</u>	Approved -	09/07/1989
<u>NYSE</u>	Approved -	11/17/1982
<u>AL</u>	Approved -	10/24/1981
<u>AK</u>	Approved -	11/17/1969
<u>AZ</u>	Approved -	02/02/1976
<u>AR</u>	Approved -	01/01/1968
<u>CA</u>	Approved -	07/28/1999
<u>CO</u>	Approved -	02/01/1983
<u>CT</u>	Approved -	05/19/1960
<u>DE</u>	Approved -	10/06/1981
<u>DC</u>	Approved -	04/21/1983
<u>FL</u>	Approved -	04/27/1983
<u>GA</u>	Approved -	09/22/1981
<u>HI</u>	Approved -	10/08/1998
<u>ID</u>	Approved -YEAR OF APPROVAL CORRECT, MONTH AND DATE UNKNOWN	01/01/1968
<u>IL</u>	Approved -	06/09/1960
<u>IN</u>	Approved -	10/21/1981

<u>IA</u>	Approved -	07/15/1983
<u>KS</u>	Approved -	02/01/1976
<u>KY</u>	Approved -	07/16/1982
<u>LA</u>	Approved -	04/20/1983
<u>ME</u>	Approved -	02/14/1984
<u>MD</u>	Approved -	10/03/1981
<u>MA</u>	Approved -	07/31/1981
<u>MI</u>	Approved -	02/03/1983
<u>MN</u>	Approved -	07/15/1982
<u>MS</u>	Approved -	10/14/1981
<u>MO</u>	Approved -	07/18/1983
<u>MT</u>	Approved -	04/20/1983
<u>NE</u>	Approved -	10/09/1981
<u>NV</u>	Approved -	07/19/1983
<u>NH</u>	Approved -	02/02/1983
<u>NJ</u>	Approved -	07/18/1983
<u>NM</u>	Approved -DP: JAMES A. FORESE CRD 1406421	10/07/1981
<u>NY</u>	Approved -	01/02/1985
<u>NC</u>	Approved -	07/15/1982
<u>ND</u>	Approved -	10/21/1981
<u>OH</u>	Approved -	07/16/1982
<u>OK</u>	Approved -	07/17/1982
<u>OR</u>	Approved -	10/24/1981
<u>PA</u>	Approved -	05/18/1960
<u>PR</u>	Approved -	09/01/1984
<u>RI</u>	Approved -	02/01/1983
<u>SC</u>	Approved -	10/28/1981
<u>SD</u>	Approved -	07/15/1982
<u>TN</u>	Approved -	08/17/1981
<u>TX</u>	Approved -	07/25/1983
<u>UT</u>	Approved -	04/21/1983
<u>VT</u>	Approved -	02/15/1984
<u>VI</u>	Approved -CONVERSION TO CRD	04/20/2005
<u>VA</u>	Approved -	09/23/1981
<u>WA</u>	Approved -	04/20/1983
<u>WV</u>	Approved -	09/30/1981
<u>WI</u>	Approved -	01/03/1938
<u>WY</u>	Approved -APPROVAL DATE AMENDED TO REFLECT ACTUAL APPROVAL DATE WHICH PRECEDED THE 1983 CRD IMPLEMENTATION DEFAULT DATE.	05/25/1965

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Identifying Information

Organization CRD Number: 7059	Primary Business Name: CITIGROUP GLOBAL MARKETS INC.
Organization SEC Number: 801-3387	Full Legal Name: CITIGROUP GLOBAL MARKETS INC.
View BD Record	Electronic Filer

Full Legal Name	CITIGROUP GLOBAL MARKETS INC.
Advisory Business Name	CITIGROUP GLOBAL MARKETS INC.
Principal Office and Place of Business	153 EAST 53RD STREET NEW YORK, NY 10022 UNITED STATES
Mailing Address	
Residential Address (for Sole Proprietor)	
Principal Office Telephone Number	212.816.6000
Principal Office Facsimile Number	
Days of Week Business is Conducted at Principal Office	Monday - Friday
Normal Business Hours	9:00AM-5:00PM
Web Addresses	HTTP://WWW.CITI.COM/INVESTORINFO/ADVISORYPRIVACY HTTP://WWW.CITI.COM/INVESTORINFO/BIOS HTTP://WWW.PRIVATEBANK.CITIBANK.COM/ADV.HTM HTTP://WWW.INTERNATIONALPERSONALBANKING.CITI.COM HTTP://WWW.CITIGOLDINTERNATIONAL.CITI.COM HTTP://WWW.CITIGOLDPRIVATECLIENT.CITI.COM HTTP://WWW.WEALTHMANAGEMENT.CITI.COM HTTP://WWW.INVESTMENTPUBLICATIONS.CITI.COM HTTP://WWW.GLOBALEXECUTIVEBANKING.CITI.COM HTTP://WWW.CITIPRIVATEBANK.COM HTTP://WWW.CITIBANKONLINE.COM HTTP://WWW.CITIBANK.COM HTTP://WWW.CITIGROUP.COM HTTP://WWW.PRIVATEBANK.CITIBANK.COM HTTP://WWW.CITI.COM HTTPS://INVESTMENTS.CITI.COM/HOME_PWM.HTM HTTPS://INVESTMENTS.CITI.COM/HOME_CPB.HTM HTTPS://INVESTMENTS.CITI.COM/HOME_CPII.HTM HTTPS://INVESTMENTS.CITI.COM/HOME_APC.HTM
Registrations with Foreign Financial Regulatory Authorities	Netherlands - The Netherlands Authority for the Financial Markets
Basis for SEC Registration	has regulatory assets under management of \$100 million (in U.S. dollars) or more;
Current Registration Status	Approved - 2/23/1964
Basis for SEC Reporting by Exempt Reporting Adviser	
Current Reporting Status	

Contact Information - Chief Compliance Officer	
Chief Compliance Officer Name	DANA L. PLATT
Chief Compliance Officer Other Titles	CHIEF COMPLIANCE OFFICER - INVESTMENT ADVISORY BUSINESSES
Chief Compliance Officer Address	750 WASHINGTON BOULEVARD STAMFORD, CT 06901 UNITED STATES
Chief Compliance Officer Telephone Number	(203) 890-7217
Chief Compliance Officer Fax Number	
Chief Compliance Officer E-Mail Address	DANA.LYNN.PLATT@CITI.COM

Contact Information - Additional Regulatory Contact Person	
Contact Person Name	JULIA MORAN
Contact Person Title	MANAGING DIRECTOR
Contact Person Address	1 COURT SQUARE 17TH FLOOR LONG ISLAND CITY, NY 11101 UNITED STATES
Contact Person Telephone Number	718.248.7863
Contact Person Fax Number	201.716.3957
Contact Person E-Mail Address	MORANJ@CITI.COM

Are you a public reporting company under Sections 12 or 15(d) of the Securities Exchange Act of 1934?	N
Central Index Key Number	
Did you have \$1 billion or more in assets on the last day of your most recent fiscal year?	Y
Legal Entity Identifier	

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EXHIBIT 3

INSTRUCTION NUMBER 7

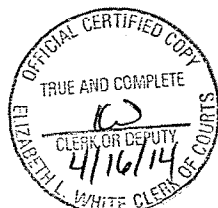
THE CRIME OF THEFT IS DEFINED BY LAW AS FOLLOWS:

A PERSON WHO KNOWINGLY OR INTENTIONALLY EXERTS UNAUTHORIZED CONTROL OVER PROPERTY OF ANOTHER PERSON, WITH INTENT TO DEPRIVE THE OTHER PERSON OF ANY PART OF ITS VALUE OR USE, COMMITS THEFT, A CLASS D FELONY.

THE OFFENSE IS A CLASS C FELONY IF THE FAIR MARKET VALUE OF THE PROPERTY IS AT LEAST \$100,000 (ONE HUNDRED THOUSAND DOLLARS)

BEFORE YOU MAY CONVICT THE DEFENDANT, THE STATE MUST HAVE PROVED EACH OF THE FOLLOWING BEYOND A REASONABLE DOUBT:

1. THE DEFENDANT
2. KNOWINGLY
3. EXERTED UNAUTHORIZED CONTROL
4. OVER THE PROPERTY, THAT IS: PERPETUAL CARE TRUST AND/OR PRE-NEED TRUST MONEY OF MEMORY GARDENS MANAGEMENT CORPORATION.
5. WITH THE INTENT TO DEPRIVE MEMORY GARDENS MANAGEMENT CORPORATION OF ANY PART OF ITS VALUE OR USE.



7A

6. AND THE FAIR MARKET VALUE WAS AT LEAST \$100,000 (ONE HUNDRED THOUSAND DOLLARS) THAT IS: AN AMOUNT EXCEEDING THIRTEEN MILLION (\$13,000,000.00) WIRED INTO AN ACCOUNT BELONGING TO CRAIG BUSH

IF THE STATE FAILED TO PROVE EACH OF THESE ELEMENTS BEYOND A REASONABLE DOUBT, YOU MUST FIND THE DEFENDANT NOT GUILTY OF THEFT, A CLASS C FELONY, AS CHARGED IN COUNT I.



INSTRUCTION NUMBER 8

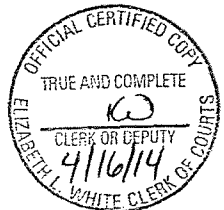
THE CRIME OF THEFT IS DEFINED BY LAW AS FOLLOWS:

A PERSON WHO KNOWINGLY OR INTENTIONALLY EXERTS UNAUTHORIZED CONTROL OVER PROPERTY OF ANOTHER PERSON, WITH INTENT TO DEPRIVE THE OTHER PERSON OF ANY PART OF ITS VALUE OR USE, COMMITS THEFT, A CLASS D FELONY.

THE OFFENSE IS A CLASS C FELONY IF THE FAIR MARKET VALUE OF THE PROPERTY IS AT LEAST \$100,000 (ONE HUNDRED THOUSAND DOLLARS)

BEFORE YOU MAY CONVICT THE DEFENDANT, THE STATE MUST HAVE PROVED EACH OF THE FOLLOWING BEYOND A REASONABLE DOUBT:

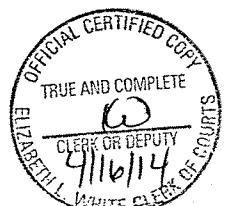
1. THE DEFENDANT
2. KNOWINGLY
3. EXERTED UNAUTHORIZED CONTROL
4. OVER THE PROPERTY, THAT IS: PERPETUAL CARE TRUST AND/OR PRE-NEED TRUST MONEY OF MEMORY GARDENS MANAGEMENT CORPORATION.
5. WITH THE INTENT TO DEPRIVE MEMORY GARDENS MANAGEMENT CORPORATION OF ANY PART OF ITS VALUE OR USE.



8A

6. AND THE FAIR MARKET VALUE WAS AT LEAST \$100,000 (ONE HUNDRED THOUSAND DOLLARS) THAT IS: AN AMOUNT EXCEEDING FOUR MILLION DOLLAR (\$4,000,000.00) WIRED INTO THE ACCOUNT OF INDIANA INVESTMENTS AND SUBSEQUENTLY WIRED INTO AN ACCOUNT BELONGING TO ROBERT NELMS

IF THE STATE FAILED TO PROVE EACH OF THESE ELEMENTS BEYOND A REASONABLE DOUBT, YOU MUST FIND THE DEFENDANT NOT GUILTY OF THEFT, A CLASS C FELONY, AS CHARGED IN COUNT II.



INSTRUCTION NUMBER 9

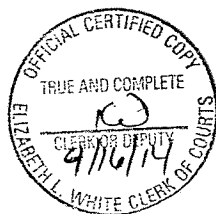
THE CRIME OF THEFT IS DEFINED BY LAW AS FOLLOWS:

A PERSON WHO KNOWINGLY OR INTENTIONALLY EXERTS UNAUTHORIZED CONTROL OVER PROPERTY OF ANOTHER PERSON, WITH INTENT TO DEPRIVE THE OTHER PERSON OF ANY PART OF ITS VALUE OR USE, COMMITS THEFT, A CLASS D FELONY.

THE OFFENSE IS A CLASS C FELONY IF THE FAIR MARKET VALUE OF THE PROPERTY IS AT LEAST \$100,000 (ONE HUNDRED THOUSAND DOLLARS)

BEFORE YOU MAY CONVICT THE DEFENDANT, THE STATE MUST HAVE PROVED EACH OF THE FOLLOWING BEYOND A REASONABLE DOUBT:

1. THE DEFENDANT
2. KNOWINGLY
3. EXERTED UNAUTHORIZED CONTROL
4. OVER THE PROPERTY, THAT IS: PERPETUAL CARE TRUST AND/OR PRE-NEED TRUST MONEY OF MEMORY GARDENS MANAGEMENT CORPORATION.
5. WITH THE INTENT TO DEPRIVE MEMORY GARDENS MANAGEMENT CORPORATION OF ANY PART OF ITS VALUE OR USE.



9A

6. AND THE FAIR MARKET VALUE WAS AT LEAST \$100,000 (ONE HUNDRED THOUSAND DOLLARS) THAT IS: AN AMOUNT EXCEEDING ONE POINT TWO MILLION DOLLARS (\$1,200,000.00) WIRED TO THE ACCOUNT OF INDIANA INVESTMENTS AND EVENTUALLY TRANSFERRED TO TALON TITLE FOR THE PURCHASE OF A PERSONAL RESIDENCE

IF THE STATE FAILED TO PROVE EACH OF THESE ELEMENTS BEYOND A REASONABLE DOUBT, YOU MUST FIND THE DEFENDANT NOT GUILTY OF THEFT, A CLASS C FELONY, AS CHARGED IN COUNT III.



INSTRUCTION NUMBER 10

THE CRIME OF THEFT IS DEFINED BY LAW AS FOLLOWS:

A PERSON WHO KNOWINGLY OR INTENTIONALLY EXERTS UNAUTHORIZED CONTROL OVER PROPERTY OF ANOTHER PERSON, WITH INTENT TO DEPRIVE THE OTHER PERSON OF ANY PART OF ITS VALUE OR USE, COMMITS THEFT, A CLASS D FELONY.

THE OFFENSE IS A CLASS C FELONY IF THE FAIR MARKET VALUE OF THE PROPERTY IS AT LEAST \$100,000 (ONE HUNDRED THOUSAND DOLLARS)

BEFORE YOU MAY CONVICT THE DEFENDANT, THE STATE MUST HAVE PROVED EACH OF THE FOLLOWING BEYOND A REASONABLE DOUBT:

1. THE DEFENDANT
2. KNOWINGLY
3. EXERTED UNAUTHORIZED CONTROL
4. OVER THE PROPERTY, THAT IS: PERPETUAL CARE TRUST AND/OR PRE-NEED TRUST MONEY OF MEMORY GARDENS MANAGEMENT CORPORATION.
5. WITH THE INTENT TO DEPRIVE MEMORY GARDENS MANAGEMENT CORPORATION OF ANY PART OF ITS VALUE OR USE.



10A

6. AND THE FAIR MARKET VALUE WAS AT LEAST \$100,000 (ONE HUNDRED THOUSAND DOLLARS) THAT IS: AN AMOUNT OF THREE MILLION DOLLARS (\$3,000,000.00) WIRED TO EQUITY DERIVATIVES

IF THE STATE FAILED TO PROVE EACH OF THESE ELEMENTS BEYOND A REASONABLE DOUBT, YOU MUST FIND THE DEFENDANT NOT GUILTY OF THEFT, A CLASS C FELONY, AS CHARGED IN COUNT IV.



INSTRUCTION NUMBER 11

THE CRIME OF THEFT IS DEFINED BY LAW AS FOLLOWS:

A PERSON WHO KNOWINGLY OR INTENTIONALLY EXERTS UNAUTHORIZED CONTROL OVER PROPERTY OF ANOTHER PERSON, WITH INTENT TO DEPRIVE THE OTHER PERSON OF ANY PART OF ITS VALUE OR USE, COMMITS THEFT, A CLASS D FELONY.

THE OFFENSE IS A CLASS C FELONY IF THE FAIR MARKET VALUE OF THE PROPERTY IS AT LEAST \$100,000 (ONE HUNDRED THOUSAND DOLLARS)

BEFORE YOU MAY CONVICT THE DEFENDANT, THE STATE MUST HAVE PROVED EACH OF THE FOLLOWING BEYOND A REASONABLE DOUBT:

1. THE DEFENDANT
2. KNOWINGLY
3. EXERTED UNAUTHORIZED CONTROL
4. OVER THE PROPERTY, THAT IS: PERPETUAL CARE TRUST AND/OR PRE-NEED TRUST MONEY OF MEMORY GARDENS MANAGEMENT CORPORATION.
5. WITH THE INTENT TO DEPRIVE MEMORY GARDENS MANAGEMENT CORPORATION OF ANY PART OF ITS VALUE OR USE.



11A

6. AND THE FAIR MARKET VALUE WAS AT LEAST \$100,000 (ONE HUNDRED THOUSAND DOLLARS) THAT IS: AN AMOUNT OF ONE POINT ONE MILLION DOLLARS (\$1,100,000.00) WIRED INTO THE SMITH BARNEY ACCOUNT OF MEMORY GARDENS MANAGEMENT IN THE NAME OF DAVID BECHER AND SUBSEQUENTLY TRANSFERRED TO MIDWEST ONE IN IOWA FOR THE PURPOSE OF INVESTING IN A FUNERAL HOME UNRELATED TO THE MEMORY GARDENS MANAGEMENT CORPORATION

IF THE STATE FAILED TO PROVE EACH OF THESE ELEMENTS BEYOND A REASONABLE DOUBT, YOU MUST FIND THE DEFENDANT NOT GUILTY OF THEFT, A CLASS C FELONY, AS CHARGED IN COUNT V.



STATE OF INDIANA
COUNTY OF MARION

)IN THE MARION SUPERIOR COURT
) SS:
)CRIMINAL DIVISION, ROOM NO. 3

STATE OF INDIANA
VS.
MARK SINGER

)
)
)CAUSE NUMBER: 49G030807FC167038
)
)

FILED

DEC 06 2010

164

COUNT I

Elizabeth L. White
CLERK OF THE MARION CIRCUIT COURT

VERDICT

"WE THE JURY, FIND THE DEFENDANT, MARK SINGER, NOT GUILTY
OF THEFT, A CLASS C FELONY AS CHARGED IN COUNT I."

DATED: _____ FOREPERSON

VERDICT

"WE THE JURY, FIND THE DEFENDANT, MARK SINGER, GUILTY
OF THEFT, A CLASS C FELONY AS CHARGED IN COUNT I."

DATED: 12/7/10 *Danielle King*
FOREPERSON



STATE OF INDIANA
COUNTY OF MARION

)IN THE MARION SUPERIOR COURT
) SS:
)CRIMINAL DIVISION, ROOM NO. 3

STATE OF INDIANA
VS.
MARK SINGER

)
)
)CAUSE NUMBER: 49G030807FC167038
)
)

FILED

DEC 06 2010 (164)

Elizabeth J. White
CLERK OF THE MARION CIRCUIT COURT

COUNT II

VERDICT

"WE THE JURY, FIND THE DEFENDANT, MARK SINGER, NOT GUILTY
OF THEFT, A CLASS C FELONY AS CHARGED IN COUNT II."

DATED: _____
FOREPERSON

VERDICT

"WE THE JURY, FIND THE DEFENDANT, MARK SINGER, GUILTY
OF THEFT, A CLASS C FELONY AS CHARGED IN COUNT II."

DATED: 12/7/10 _____
Danielle King
FOREPERSON



STATE OF INDIANA
COUNTY OF MARION

)IN THE MARION SUPERIOR COURT
) SS:
)CRIMINAL DIVISION, ROOM NO. 3

STATE OF INDIANA)

VS.)

MARK SINGER)

)CAUSE NUMBER: 49G030807FC167038
)
)

FILED

DEC 05 2010

164

Elizabeth L. White
CLERK OF THE MARION CIRCUIT COURT

COUNT III

VERDICT

"WE THE JURY, FIND THE DEFENDANT, MARK SINGER, NOT GUILTY
OF THEFT, A CLASS C FELONY AS CHARGED IN COUNT III."

DATED: _____ FOREPERSON

VERDICT

"WE THE JURY, FIND THE DEFENDANT, MARK SINGER, GUILTY
OF THEFT, A CLASS C FELONY AS CHARGED IN COUNT III."

DATED: 12/7/10 Danielle King
FOREPERSON



STATE OF INDIANA
COUNTY OF MARION

) IN THE MARION SUPERIOR COURT
) SS:
) CRIMINAL DIVISION, ROOM NO. 3

STATE OF INDIANA)

VS.)

MARK SINGER)

) CAUSE NUMBER: 49G030807FC167038
)
)

FILED

DEC 06 2010



COUNT IV

Elizabeth A. White
CLERK OF THE MARION CIRCUIT COURT

VERDICT

"WE THE JURY, FIND THE DEFENDANT, MARK SINGER, **NOT GUILTY**
OF THEFT, A CLASS C FELONY AS CHARGED IN COUNT IV."

DATED: _____

FOREPERSON

VERDICT

"WE THE JURY, FIND THE DEFENDANT, MARK SINGER, **GUILTY**
OF THEFT, A CLASS C FELONY AS CHARGED IN COUNT IV."

DATED: 12/7/10

Danielle King
FOREPERSON



STATE OF INDIANA
COUNTY OF MARION

)IN THE MARION SUPERIOR COURT
) SS:
)CRIMINAL DIVISION, ROOM NO. 3

STATE OF INDIANA
VS.
MARK SINGER

)
)
)CAUSE NUMBER: 49G030807FC167038
)

FILED

DEC 08 2010 54

COUNT V

Elizabeth J. White
CLERK OF THE MARION CIRCUIT COURT

VERDICT

"WE THE JURY, FIND THE DEFENDANT, MARK SINGER, NOT GUILTY
OF THEFT, A CLASS C FELONY AS CHARGED IN COUNT V."

DATED: _____ FOREPERSON

VERDICT

"WE THE JURY, FIND THE DEFENDANT, MARK SINGER, GUILTY
OF THEFT, A CLASS C FELONY AS CHARGED IN COUNT V."

DATED: 12/7/10 _____ *Danielle King*
FOREPERSON

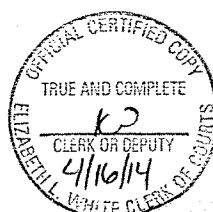


EXHIBIT 4

1 his family and his friends and these people in
2 these letters, that obviously hid a part of
3 himself that no one could see.

4 Nonetheless, I do accept all of the
5 mitigators except for the mitigator with
6 respect to you not personally receiving any
7 money. All of the other mitigators that your
8 attorney has argued the Court does find and
9 accept as mitigating circumstances in your
10 case.

11 With respect to aggravating
12 circumstances, the State has argued several
13 different ones. But I would categorize a
14 couple of those as falling under the same
15 category, and that is the nature and
16 circumstances of your offense the Court finds
17 to be an aggravating circumstance.

18 With respect to the planning and the
19 length of time involved, along with the
20 position of trust that you held as a financial
21 advisor, along with the multiple counts that
22 were involved, and at least two different days
23 involved, in two separate years those days
24 actually occurred, and then looking at the
25 amount of money involved, the Court clearly

1 finds that you did -- your actions were above
2 and beyond that which was required to meet the
3 elements of a Class C Felony.

4 Specifically, the C Felony -- it's
5 elevated to a C Felony if the amount involved
6 was \$100,000 or more. I show that your crimes
7 took a minimum in one count of \$1.1 million,
8 up to \$13 million in another count, and that
9 in total all five counts involved a sum over
10 \$22 million, all someone else's money, all
11 money that you thought you could take control
12 of, I guess, because you thought no one was
13 watching close enough and you'd never get
14 caught.

15 So again, the public Mark Singer
16 different than the private Mark Singer.

17 But the bottom line is that this crime is
18 clearly just one that was motivated --
19 motivated by your greed. And it's really sad
20 to see how greedy you became, when you were a
21 man making so much money and had so much going
22 for you and so much to show for it, that you
23 felt the need to be involved in this type of
24 activity when you had so much, much more than
25 most people.


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STATE OF INDIANA)
) SS:
COUNTY OF MARION)

CERTIFICATE OF REPORTER

I, Shelly D. Glore, an Official Reporter of the Marion Superior Court, Criminal Division Room Three, hereby certify that the Transcript of Sentencing Hearing in this cause of action, in the matter of State of Indiana vs. Mark Singer, 49G03-0807-FC-167038, is true and complete, and contains all statements made by the Court, Attorneys for the State of Indiana, Attorneys for the Defendant, and the Parties during the course of said proceeding in the time and place aforesaid.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 14th day of March, 2011.


SHELLY D. GLORE,
OFFICIAL REPORTER
MARION SUPERIOR COURT
CRIMINAL DIVISION, ROOM THREE

I, Kevin S. Smith, Clerk of the Indiana Supreme Court, do hereby certify, pursuant to Ind. Code 33-5-40-41, that the foregoing is a full, true, complete and correct copy of the original PS-1934-1971 of transcript as the same appears upon the record of said Court, and in my custody as Clerk. In testimony whereof I have subscribed by name and affixed the seal of said Court this 28th day of April, 2014.

Kevin S. Smith Clerk
By A. Vickers Deputy

EXHIBIT 5

INSTRUCTION NUMBER 15

A PERSON ENGAGES IN CONDUCT "INTENTIONALLY" IF, WHEN HE ENGAGES IN THE CONDUCT, IT IS HIS CONSCIOUS OBJECTIVE TO DO SO.

A PERSON ENGAGES IN CONDUCT "KNOWINGLY" IF, WHEN HE ENGAGES IN THE CONDUCT, HE IS AWARE OF A HIGH PROBABILITY THAT HE IS DOING SO.

