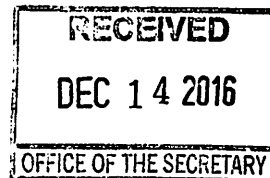


**HARD COPY**

BEFORE THE  
SECURITIES EXCHANGE COMMISSION  
WASHINGTON, DC

.....X

In the Matter of the Application of  
KIMBERLY SPRINGSTEEN-ABBOTT  
for Review of Disciplinary Action Taken by



FINRA

File No. 3-17560

.....X

REPLY MEMORANDUM IN SUPPORT OF MOTION TO SUBMIT ADDITIONAL  
EVIDENCE TO SUPPLEMENT THE RECORD

Joel E. Davidson

[REDACTED]  
Ft. Lee, NJ [REDACTED]  
[REDACTED]

Dec. 13, 2016

Appellant Springsteen-Abbott is fighting for her professional life and for her ethical reputation in the securities industry. She believes she has been wrongfully found to have violated Rule 2010 based upon a seriously flawed application of the facts and the law. As set forth in her appeal brief, there simply is no evidence that she “improperly [was] using investment fund monies to pay for 1840 items of personal and other non-related business expenditures.” FINRA Memo in Opposition, page 2. The burden was improperly shifted to her to show that all 1840 challenged items were legitimate. As also noted in her Appeal Brief, she did not charge “personal items” to the Funds, and indeed none of her clothing, shoes, jewelry, pocketbooks or similar personal items were ever charged to the Funds. The purpose of this proffered additional evidence is to show that Appellant could in fact meet the burden of proof imposed upon her if in fact the shifting of the burden to her was proper. Her position is quite reasonable.

The USB thumb drive contains calendar entries supported by expense reports, archived e mails and summaries to organize and clarify the support provided for many of the allegedly misallocated items and also show the adjustments that were made by Appellant after she learned that, in some instances, mistakes had been made. It is not complicated. In light of the numerous errors and corrections FINRA made during the hearing, Appellant believes she should have this opportunity to clarify the record and be able to point to some of this evidence in her reply brief and oral argument to support her position that she has been wrongly accused and that the conclusion that she provided no support for the legitimacy of many of the contested items is inaccurate. She and her trial counsel did not expect the peculiar burden-shifting that took place in this case. The SEC, and, in fact, FINRA, should want a full and complete record.

Appellant is not changing her “theory of the case” or, to quote FINRA’s opposition, “gamble on one course of action and, upon an unfavorable decision, to try another course of action.” There is no “gambling” here. There is simply an effort to tie together and organize information in order to set the record straight.

Respectfully submitted



Joel E. Davidson  
Attorney for Appellant

██████████  
Ft Lee, NJ ██████████

December 13, 2016

CERTIFICATE OF SERVICE

I, JOEL E. DAVIDSON, certify that on this 13th day of December 1016, I caused a copy of the foregoing Reply Brief in Support of Application to Submit Additional Evidence (File No. 3-17560) to be sent via overnight delivery and fax or email to

Brent J. Fields, Secretary  
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