December 27th, 2017

JAN 0 2 2018

OFFICE OF THE SECRETARY

Brent J. Fields, Secretary

Securities and Exchange Commission 100 F St., NE

Room 10915

Washington, DC 20549-1090

RE: Administrative Proceeding No. 3-18045

# Merrimac Corporate Securities, Inc. and Robert Nash

Dear Mr. Fields:

Enclosed please find a corrected copy of my "Cover letter" and "Certificate of Service" for when I sent you one original and three copies of Merrimac's Reply to FINRA'S "Motion to Strike Documents" as well as "Merrimac's Reply to FINRA's Brief in Opposition to the application" They were sent by mail on or about Dec 14<sup>th</sup>. I had put an incorrect date on the original letter and incomplete detail as to what was sent. Enclosed is a copy for your reference of what was sent along with the corrected cover letter. Both FINRA and Robert Nash have received corrected cover letters.

Sorry for any inconvenience.

Very Truly Yours,

Stephen D. Pizzuti

C/O Merrimac Corporate Securities, Inc.

2341 Westwood Drive

Longwood, FL 32779

@gmail.com

December 14th, 2017

Brent J. Fields, Secretary Securities and Exchange Commission 100 F St., NE Room 10915

Washington, DC 20549-1090

RE: Administrative Proceeding No. 3-18045

# Merrimac Corporate Securities, Inc. and Robert Nash

Dear Mr. Fields:

Enclosed please find an original and three copies of Merrimac's Reply to FINRA'S "Motion to Strike Documents" as well as "Merrimac's Reply to FINRA's Brief in Opposition to the application".

In the above captioned Matter

Very Truly Yours,

/s/ Stephen Pizzuti

**Enclosures** 

CC: Cecilia Passaro

Associate General Counsel

FINRA - Office of General Counsel

1735 K Street, NW

Washington, DC 20006

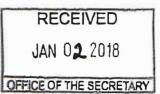
Robert G. Nash (Index Only)

Deltona, FL

@hotmai1.com - Electronic Mail

# **CERTIFICATE OF SERVICE**

I, Stephen Pizzuti, certify that on December 14, 2017, I caused an original and three copies of Merrimac's Reply to FINRA'S "Motion to Strike Documents" as well as "Merrimac's Reply to FINRA's Brief in Opposition to the application" in the matter of Applications for Review of Merrimac Corporate Securities, Inc. and Robert Nash, Administrative Proceeding No. 3-18045, to be served by Mail to:





Brent J. Fields, Secretary Securities and Exchange Commission 100 F St., NE Room 10915 Washington, DC 20549-1090

And via Email on December 17<sup>th</sup> of 2017 to:

Celia Passaro
Associate General Counsel
FINRA - Office of General Counsel
1735 K Street, NW
Washington, DC 20006
Ersilia.Passaro@finra.org - Electronic Mail

Robert G. Nash

Deltona, FL @hotmai1.com - Electronic Mail

Respectfully submitted,

Merrimac Corporate Securities, Inc.

C/O Stephen D. Pizzuti 2341 Westwood Drive Longwood, FL 32779

@gmail.com

# United States of America

### Before the

# JAN 02 2018 OFFICE OF THE SECRETARY

# SECURITIES EXCHANGE COMMISSION

Dec 14, 2017

Pursuant to:

The SECURITIES EXCHANGE ACT OF 1934, Section 19(D) (2)

Admin. Proc. File No. 3-18045

In the Matter of the application of MERRIMAC CORPORATE SECURITIES, INC., and ROBERT NASH For review of action taken by FINRA

# MERRIMACS REPLY TO FINRA'S BRIEF IN OPPOSITION TO THE APPLICATION FOR REVIEW IN THE ABOVE-CAPTIONED MATTER

In reading the Arguments of FINRA in their opposition brief the story hasn't changed. They continue to take the same position on the remaining allegations at hand. Merrimac Violated section 5. Merrimac Failed to supervise. Merrimac provided false documents to FINRA. Merrimac failed to detect red flags and failed to have proper Policies and Procedures in place.

FINRA insists on debating these issues using irrelevant information to allege these violations. They deliberately take the reader's attention away from the facts. For example, it is irrelevant when Merrimac, Pizzuti or Nash discuss times and dates of certain meetings. Bob Nash and Merrimac were not aware of over 30 forged DSR's at any time and certainly didn't submit falsified DSR document to FINRA because they didn't exist. Contrary to FINRA's allegation of a Section 5 violation Merrimac Processed over 1000 DSR's perfectly without a single violation of Securities laws. Merrimac was able to perform at

such a high level quality control because it did in fact have Policies and Procedures in place and were activated in a timely manner as this type of business ramped up. How can FINRA take the positon that Merrimac did not have proper procedures in place with such a perfect processing performance? These very same DSR's and procedures were audited by the SEC and the SEC found no Securities law violation. So, it would have to be said that either the SEC did an inferior audit of these same transactions or FINRA is wrong.

For this brief Merrimac is providing the SEC with a copy of its submissions prior such as its original Brief (Exhibit A) submitted to FINRA Panel after the hearing as it related to the hearing Dated Junes 2, 2014; Merrimac's Rebuttal To DOE's Rebuttal Brief (Exhibit B); and, finally Merrimac's" Notice of Appeal' (Exhibit C) to the NAC. FINRA should have no problem excepting these exhibits as they are already part of the record. It is important that the SEC read and understand the scope of the allegation originally made by the DOE such as 33 forged documents down to a few duplicated signatures, etc.

There is nothing more that can be said or explained. The facts remain that Merrimac did not sell unregistered securities. There were never 30 plus forged documents and they certainly had policies procedures in place that did detect Red Flags perfectly in the processing of the very business FINRA's states Merrimac violated. The subjective nature of Regulating whether a firm properly detected Red flags and/or had sufficient compliance policies and procedures is wrong. It gives FINRA the ability to take action against its members "at will" forcing then to pay up in a settlement or pay to fight the DOE with the real chance of losing based on this same subjective issue.

The DOE has submitted copies of Merrimac's CRD report to the SEC in their brief. This is a great opportunity for the SEC to witness FINRA's decade of deliberately fining their members until they couldn't "Pay to Play" any longer.

Thank you for your consideration in this matter.

Merrimac Corp Sec. Inc.

C/O Stephen Pizzuti



# **United States of America**

#### Before the

# SECURITIES EXCHANGE COMMISSION

December 11, 2017

Pursuant to:

The SECURITIES EXCHANGE ACT OF 1934, Section 19(D) (2)

Admin. Proc. File No. 3-18045

In the Matter of the application of

MERRIMAC CORPORATE SECURITIES, INC., and ROBERT NASH

For review of action taken by FINRA

### MERRIMACS REPLY TO FINRA'S MOTION TO STRIKE DOCUMENTS

FINRA, with its egregious power and resource's has, without a doubt, done everything to prevent the truth from coming out in this case. Their ability to empower attorneys "at will" to manhandle small broker dealers is well documented at this point. Merrimac's dedication with limited legal prowess and resource's should be taken into account and not the legal ease of an SRO that's trampled the "Code of ethics" of law and "Civil Rights" of its members.

If FINRA is to win this appeal it will be based on their ability to skirt around with legal ease Merrimac is unqualified to do. It will not be based on the facts of the case. FINRA (Celia Passaro) makes note of an end-runaround to supplement the record favorable to Merrimac. The first and obvious question is why would any evidence during or after the hearing and with the NAC ever be denied if it meant to get to the truth. Second, our records indicate these documents have been submitted. Third, if exhibits made by FINRA, were simply reformatted by Merrimac utilizing the original Data as a supplement to FINRA's original exhibits why is that an issue. Four, by FINRA filing this motion it is attempting to have the SEC's



own filing requirements such as 10q's and 10k's, that are already public domain, out of the record as it relates to their section 5 allegation.

FINRA'S Celia Passaro's Motion is based on the Commission's Rule of Practice 452. With all due respect to this rule, FINRA makes a mockery of Due Process day in and day out as it sees fit. Yet, they conveniently expect the SEC to strike documents based on 452. Isn't it really just another attempt by FINRA to skirt the truth on an issue that should have never even come to pass?

FINRA's Celia Passaro's first paragraph states that Merrimac's recent **submission appears** to include both documents already in the record and some that aren't. She also states Merrimac "submitted what it labeled "analysis', which **appears** to be documents created by Merrimac. Well, either they are or they aren't part of the record. Page 3 goes on to allege that several Merrimac exhibits **appear** to be altered versions of Document such as CX-75. Was it an altered document or wasn't it. Obviously, she makes it extremely apparent she doesn't really know anything for sure. Her comment of "Merrimac's attempt to reorganize and supplement the record consisting of more than 19,000 pages" seems Ludacris considering Merrimac submissions were an extremely small part of these documents being submitted and, based on her Motion, there are only a few documents and two exhibits in question.

### Furthermore:

Merrimac is not attempting to introduce new evidence as it relates to the Rule of Practice 452. All evidence was submitted prior to this appeal. Really, the issue here is how FINRA stonewalled the whole case from beginning to end. They lied about the availability of witnesses, disallowed witnesses, altering OTR representations, provided false exhibits and incompetent witnesses, while submitting inappropriate evidence of their own. They even harassed two defendants that were critically ill at the time into testifying and settling based on FINRA's refusal to provide them more time. This is all documented in Merrimac's prior briefs. FINRA Enforcement even had an ex-enforcement employee head up the hearing panel. Are you kidding me? So, the real issue is not about evidence that should not have been added. Rather, that the evidence should have never been needed.

For example, as it relates to the section 5 allegation Enforcement's witness Jason Wong was acting as Enforcements proxy (stooge) by deliberately changing the reason why Merrimac violated Section 5 to begin with. From day one Merrimac provided overwhelming evidence disproving Enforcements original Section 5 allegation. Yet, Wong, coached by Enforcement each night, testified to a new reason a section 5 violation existed. The original complaint s allegations, exhibits along with Jason Wong's original testimony do not support the final allegations and findings. No new evidence should have been needed or was known to be needed prior to the hearing. We were forced to submit additional documents to defend each new allegation. Any additional evidence submitted such as Exhibit MERRA-4001 by Merrimac was caused by unexpected and inappropriate actions of Enforcement. Instead of provided an expert in section 5 issues they deliberately chose to confuse the panel by using an inexperience proxy that would do their bidding each new day of testimony.

Next, despite overwhelming testimony and evidence produced by respondents demonstrating that enforcement misrepresented dates ,facts and evidence regarding certain meetings and DSR's sent to

FINRA in response to certain 8210 requests, the panel disregarded all the testimony and evidence and deemed Nash and the respondents to be in violation of Rule 8210. Merrimac believes, once again that it was due to the grossly inaccurate exhibit CX-75 combined with incompetent testimony from Jason Wong. This was completely unexpected and after the fact. Evidence to the contrary was submitted [ExhibitMERRA-3001] that had signed copies by Nash to CS which clearly shows that there were no falsified copies as the hearing officer Delany states as fact on pages 5 & 6 of her decision. As it turns out the record shows they were sent Wong in prior submission's that he failed to recognize in his evidence/exhibits. Had FINRA'S careless exhibit CX-75 not been grossly inaccurate and deliberately misleading Merrimac's exhibit would not have been needed. Why wouldn't the FINRA panel or the NAC allow a rebuttal exhibit? Is it because it shows that FINRA's exhibit almost exclusively used during the hearing to determine the Rule 8210 violation against Nash and Merrimac was completely false and inaccurate.

In summary if the SEC reads Merrimac's briefs and reviews testimony by FINRA's Jason Wong they will find that there was a deliberate misrepresentation of the facts and changes to the original allegation by enforcement at the hearing. Therefore if the issue is related to documents believed to be submitted after the hearing, it was due to Enforcement's moving target allegations allowed and ruled on by the panel. Alleging that Merrimac is supplementing the record should not be what's at question. Rather the need for then to have to provide them at all.

It was not as Celia Passaro stated that it was "nothing more than an attempted document-dump and end-run around appropriate appellate procedure. Her comment that we did not provide/attempt to provide added evidence during the preceding is inaccurate at best. In reality, Enforcement forced Merrimac to continue to defend itself from new forms of the same allegations only availed to Merrimac during FINRA's testimony at the hearing.

Merrimac has witnessed firsthand how FINRA has completely run afoul of any Code of Ethics, Best Practices and certainly any Due Process. How can FINRA possibly ask the SEC to strike Merrimac's submission for actions caused by Enforcement prior to this appeal?

Thank you for your consideration in this matter.

Respectfully submitted,

Stephen Pizzuti

C/O- Merrimac Corp Sec Inc. 2341 Westwood Dr. Longwood fl. 32779 3212771729