

**UNITED STATES OF AMERICA**  
before the  
**SECURITIES AND EXCHANGE COMMISSION**  
June 3, 2019

SECURITIES EXCHANGE ACT OF 1934

Admin. Proc. File No. 3-19007, 3-19012



In the Matter of Applications of

EDWARD BEYN

and

CRAIG S. TADDONIO

For Review of Disciplinary Action Taken by

FINRA

BRIEF OF PRO SE  
LITIGANT :

EDWARD BEYN

I, EDWARD BEYN, being duly sworn, submit this brief pursuant to the Rules of Practice, 17 C.F.R. § 201.450(a):

1. I am a pro se litigant and I am filing this brief based upon what occurred at the Hearing, and the subsequent abuse of the Rule of Law, which is the basis that should have been used to Vacate the Decision prior to even having to file this Appeal. I have searched, United States Securities and Exchange Commission ("SEC") and FINRA Department Of Enforcement ("DOE") decisions to the best of my ability,

and there are no other cases available where a Registered Representative was denied access to view 5,000,000 documents in the possession of the DOE before or during his/her hearing.

2. The principle of sharing documents with defendants is a cornerstone of litigation, or any regulatory proceeding. As formally recognized in *Brady v. Maryland*, a case decided by the United States Supreme Court in 1963. 373 US 83 The court in *Brady* held that the withholding of information in the possession of the prosecution resulted in the violation of the individual's due process. Justice Douglas said it best when he stated in that case that ""We now hold that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment... Society wins not only when the guilty are convicted, but when criminal trials are fair." See pages 86 and 87 of that decision.

3. The basis for my appeal rests on the fact that (1) I was denied access to 5,000,000 pages of documentation that had been gathered by the DOE in pursuit of its Complaint against me, and (2) the Failure of the Panel in the Hearing to give proper weight to the Affidavits of the clients. The factual basis of my inability to review the documents collected and utilized as Discovery in this is shown in the exhibits attached hereto.

4. As set forth at the NAC, this appeal is not about testimony or the creditability of any witnesses. I contend that (1) I was denied my right to defend myself properly based upon the consequential withholding of discovery documents by the DOE, (2) the Decision by the Panel in the underlying action to allow the case to continue despite the Hearing Officer's acknowledgement and concern on the first day of the Hearing about the cause of, and the technological difficulties, experienced by myself in opening 5 million documents "produced" by the DOE, (3) the failure by the DOE to obtain such basic documentation in its investigation, such as the confirmations that the clients were sent out from the clearing firm, and (4) the failure of the Hearing Panel to give consideration to the Affidavits signed by the

clients listed in the Complaint in which those clients acknowledged that they were aware of the trading in the account and were in control of said accounts. . *Wherefore*, I , Edward Beyn, that due to the violations of due process by the DOE the complaint be dismissed in its entirety or remanded for a new hearing.

5. It is an indisputable fact, and Hearing Officer Fitzgerald AGREED on the very first day of the hearing, that the DOE withheld access to five (5) million pages of documentation from myself and the other Respondents. Upon realizing this, the DOE, should have adjourned the case and not proceeded with its case given that fact, the Hearing Officer was aware of the lack of Due Process afforded me under my rights as a United States Citizen. It shown throughout the transcripts of the hearing as the DOE was made aware of such violation yet chose to proceed against a Pro Se Respondent. It is unfathomable that the DOE did not see this as an issue, as any reasonable person would have. These facts only support the conclusion that I was not given a fair opportunity to defend myself, as afforded me by the Constitution of the United States of America and that the Hearing of the matter should have been adjourned after the DOE admitted that it had not provided me with access to the 5 million pages of discovery it had gathered during its investigation.

6. The DOE appeared at this hearing with five staff attorneys as well as two paralegals, while I and the remaining Respondents represented ourselves, Pro Se (See page 5 of the January 24, 2017 transcript). Most importantly, Hearing Officer Fitzgerald stated on the record that "The Hearing Panel is committed to ensure that the proceeding is conducted with fairness to all parties" (See Page 6 lines 2 through 5 of the January 24, 2017 transcript), but such was not the case in this hearing. It is an absolute fact that Hearing Officer Fitzgerald began the hearing with the recognition that discovery had generated 5 million documents. Mr. Fitzgerald also stated that, the Respondents were unable to review, the documents,

and that there was no index made for the five million documents that had been produced as well. (See Pages 6,7 and 8 of January 24, 2017 transcript).

7. For purposes of an illustration as to the magnitude of the amount of documents one would have to go through if one had access to the five million pages supposedly submitted by the DOE, I put forth following facts for the SEC to consider. There are five hundred pages of paper in a ream of paper. There are as many as ten reams of paper in a box of paper. Five million page's equals ten thousand reams of paper ("10,000 reams "). 10,000 reams of paper fit into 1,000 boxes. The size of a box of paper is 16" long x 8 12" high x 12 11" wide. The Volume of a room is measured by multiplying length times width, then multiplying the result by the height. The volume of a 10x10 room therefore is 800 square feet. The room would be 360 feet wide by 360 feet long, which means that the room would fit 21 boxes along the length of the room, and 28 boxes along the width of the room. This means on each layer of the floor 616 boxes would lay. Dividing the 1,000 boxes of documents provided in discovery which the DOE did not provide access to on the first day of the hearing or before, the "hypothetical" room would be filled with two layers of boxes filled with paper, wall to wall in a 10x10 foot room. It should be noted as well that I am a Pro Se Respondent and am not learned in the law, a licensed and/or practicing attorney nor am I being represented by one in these proceedings. Therefore, as the SEC can truly see the task of reviewing the five million documents supposedly submitted by the DOE would be daunting task even by an experienced practicing lawyer.

8. In addition to the gigantic amount of discovery that was submitted by FINRA, the limited documents that I did have access to because they were not password protected. These documents were completely irrelevant to the proposed case against myself as they were [REDACTED] from Mr. Taddonio's [REDACTED] to invoices of his wedding which are all irrelevant to this case brought against me by the DOE. The DOE attempted to inundate me with documents knowing that I was Pro Se and

didn't have a team of lawyers and associates which would be essential to go through this amount of documents, but did not provide the actual ability for me to review the documents. This is a violation of my rights to Due Process.

9. I was eventually given the passwords **AFTER** the hearing was over. The DOE violated my right to Due Process further by giving me documents in an incompatible file format. I still couldn't access the documents due to the fact that the DISCOVERY was not compatible with the Apple MAC operating system, which FINRA knew from the start was the only kind of computer I had access to. I further asked FINRA's Information Technology team to assist in helping me open the documents and even they could not make it compatible and get me the documents. I was not, even until today, ever furnished with access to these documents in a compatible format that I can review. I even came back to FINRA Headquarters on Thursday February 16th 2017 at 200 Liberty St New York, NY, roughly a week after the hearing was over under the directive of Hearing Officer Fitzgerald to have FINRA Staff help me access the discovery, the efforts proved to be unsuccessful.. At that time, Officer Fitzgerald and the DOE should have immediately thrown out case and afforded me the right to my basic rights as an American to the right of Due Process in a new hearing should the DOE have chosen that route.

10. The next day on February 17, 2017 at 3:53pm I received an email from Danielle Schanz, Senior Litigation Counsel from the FINRA Enforcement Department, and in that email was a zip file that had passwords to access the discovery (see Exhibit A to the attached NAC Brief). These passwords should have been provided to me before the hearing, in order to review said documents for the hearing. After the hearing is over, the review of said documents is worthless since the hearing has already happened and testimony has already been heard. It would be virtually impossible for me to cross examine such witnesses and ask questions at any time about documents, since I did not have access to these documents before the hearing as is my basic afforded to me under the Constitution of the United States.

While FINRA had the resources to filter the relevant documents, I was not given the proper passwords and software to help me access and filter and the discovery.

11. As the record of the hearing reflects, and the transcript outlines, the documents were not made accessible to myself before the hearing began as DOE Hearing officer Fitzgerald acknowledged that he was concerned about. Even with that concern, he still allowed the hearing to go forward. There is no more basic fundamental element of fairness in the United States legal system than to review the evidence against you before trial, and this is the very foundation of fairness that differentiates our system of justice from other countries. This was the result of the decision by Hearing Officer Fitzgerald to go forward after a prolonged discussion of discovery issues at the very beginning of the hearing. This decision to move forward with the hearing violated my basic rights as afforded to me by the Constitution of the United States of America. For these reasons, the case with regard to me should be dismissed.

12. The DOE admitted that the documents were not labeled as well as no index existed for said documents. The documents were only inadvertently Bate Stamped (See page 10, lines 19 through 25 of the January 24, 2017 transcript). The records did not allow for a search by customer name, for example, so I could not even find documents relating to clients that were allegedly at issue, if I would have been able to access the documents. Once again, as a Pro Se Respondent I am not well versed in how document discovery searching is done and/or how documents are catalogued in a case such as this. When I asked for assistance here from the DOE, I was denied such assistance. (See Page 13, lines 24 and 25, and Page 14, lines 1 through 20 of the January 24, 2017 transcript). For these reasons, the case with regard to me should be dismissed.

13. The DOE admitted to Hearing Officer Fitzgerald, through testimony of Christopher Leigh,, that I had "only recently been given access to the data on an encrypted hard drive", and that I had difficulty opening files due to technology issues. (See page 23, line 24 through Page 30, line 5 of the January 24, 2017 transcript). These problems continued and I memorialized them on December 16, 2016 as reflected in the transcript on pages 31 through 33 of the January 24, 2017 transcript. These statements in the transcript show that I was not able to access the discovery documentation prior to the hearing and testimony of this witness. For this reason, the case with regard to me should be dismissed.

14. In fact, Hearing Officer Fitzgerald specifically asked me if I was still encountering difficulty in reviewing the documents, and my response was "yes", the majority of them" ( See pages 45 and 47, of the January 24,2017 transcript). As I have previous stated, the documents that I could access were the ones that were not password protected. Such documents had no bearing on the sum and substance of the case against me and the witnesses the DOE called to testify. The height of prejudice was evidenced when Hearing Officer Fitzgerald, downplaying the inability to access discovery of five million documents said "I am not going to put off a case based upon hypothetical documents" (See page 51 of the January 24, 2017 transcript). There is simply no way to reconcile Hearing Officer Fitzgerald's statement about fairness to the parties, with his refusal to allow me access to discovery documents that had been gathered by the DOE. If they were hypothetical documents, then why were they utilized in the hearing. Access to the documents utilized by the DOE is a basic right afforded me by the Constitution of the United States of America and because I was not given that right, the case with regard to me should be dismissed.

15. Hearing officer Fitzgerald, ultimately decided to move forward with the hearing after discussing these discovery issues on the first day of the Hearing, but admitted that "I had some concern with production in this case because of the volume and the issues about it. But I am not prepared to stop the

hearing.." (see pages 58 and 59 of the January 24, 2017 transcript). There was no testimony given to Hearing Officer Fitzgerald that could possibly have satisfied his "concern" because the production was still not available to myself and the other Respondents. Therefore, the hearing of this matter continued without my ability to review documents necessary to not only prepare for the case, but to properly defend myself. This was again, a violation of my rights to due process, as afforded me by the Constitution of the United States of America and because of this violation the case against me should be dismissed.

16. The DOE offered myself and the other Respondents to review the discovery documents 30 days after the testimony had taken place. I received an offer to "sit down at FINRA offices to look at five million documents", which was offered after the hearing had taken place (See pages 730 through 732 of the January 24, 2017 transcript). How the DOE thought that reviewing the documents at the FINRA offices made sense after the hearing had taken place would be beneficial to the myself and the other Respondents is quite absurd to say the least and a violation of my Due Process Rights. How reviewing the documents after the hearing had taken place, could possibly cure the harm of my inability to review documents before the testimony of witnesses, is again beyond the thought process of a reasonable person and is a direct violation of the Right to Due Process. For this reason the case against me should be dismissed.

16. Similarly, the Hearing Panel had concern over the fact that confirmations for the customers at issue, had not been produced or obtained, which is outrageous given the charges against me. (See page 59 and 64 and 65 of the January 24, 2017 transcript). How can I possibly examine a client who alleged at the hearing that he didn't know about the commissions, when the very confirmations that he was sent were not available to me in discovery. In addition, the panel should have been presented with evidence if the confirmation showed the client that the trade was solicited, or not, and whether that client had an



opportunity to object to the contents of the confirmation. This is precisely what confirmations are used for in the business. The fact that I did not have the ability to review the confirmations for the clients in question and review any documentation if it existed in regard to such client's reaction(s) to said confirmations, shows that my right to Due Process has been violated. For this reason the case against me should be dismissed.

17. Instead of presenting trade confirms at the hearing, the DOE and the Hearing Officer allowed the trading blotter to be used to show trading. Clients don't receive trading blotters as such is an internally utilized part of the trade process. The DOE alleged that the clients did not understand or know about commissions being charged, and yet the DOE did not even ask the clearing firm for those confirmations to enable the panel, or me, to question the clients about information that was right on the confirmations that were mailed to their addresses in their files.

18. It is also a fact that the FINRA Investigator who spoke to the clients did not ask the clients if they received their statements and confirmations from the clearing firm, and that he didn't recall if any clients advised him that they didn't receive their statements and confirmations from the clearing firm. (see page 3475 of the January 24, 2017 transcript). As such, it is impossible therefore to have concluded that the clients did not receive their confirmations and therefore it is impossible for the Panel to have concluded that the clients were not aware of the mark up and mark downs, or commissions. There simply was no evidence that the clients didn't receive their confirmations and therefore the Panel could not decide that the clients were unaware of commission disclosures. For this reason the case against must be dismissed.

19. With regard to the only other issue raised in this appeal, the Affidavits signed by the clients who testified against me at the hearing, it is a fact that Messrs. Kennedy, Pixley and Heikkila each signed

affidavits UNDER OATH that reflect that they were experienced investors, and that they did not believe the trading in their accounts were excessive and that they had ultimate control over the accounts. See Exhibits CX 149 (Pixley), CX 169 (Kennedy), and CX 177 (Heikkila). Each of these individuals "swore that the information in their affidavit was accurate and true". (see last line of each Affidavit). In their Affidavits, sworn under oath, they DID NOT say they were forced to sign the Affidavit, they did not say "my job was in jeopardy unless they signed the Affidavit", they did not say that they didn't know what mark up and mark downs were,, and they did not say \$99 commissions weren't being charged or anything to the contrary.

20. Instead, they signed a legal document that says they were in control of their account and that the trading was suitable. There can be no other interpretation of these documents and any attempt to do so by the DOE panel shows that the original signed sworn affidavits by the customers in question perjured themselves by affirming to the original affidavit, if they stated otherwise during the hearing. As such, these witnesses have lied under oath and are therefore not capable of properly depicting what actually occurred. Due to the fact that the witnesses for the DOE perjured themselves either in their sworn statements or in their sworn testimony at the hearing, the case against me should be dismissed.

21. In fact, Mr.. McKibbin stated that he received the confirmations and reviewed the confirmations (See pages 538 and 540 of the January 25, 2017 transcript), Mr. Pixley admitted in his testimony that he saw the confirmations and didn't ignore them and that "the information was there to see" ( See pages 1510-1512 of the January 30, 2017 transcript), Mr. Kennedy admitted to having seen the confirmations. See pages 2450 through 2451 and 2581 through 2582 of the February 1, 2017 transcript,) and Mr. Heikkila also expressed similar admissions in his testimony ( see pages 1244 of the January 24, 2017 transcript).

22. These individuals DID NOT say they were forced into signing the affidavits. Such statements bring forth the penalty of perjury, which exists from lying under oath or claiming something else after signing a sworn Affidavit to the contrary. The Affidavits cannot be ignored in this case and the ultimate rendering of a decision. The panel chose to bypass these notarized Affidavits, in an attempt to state they were coerced yet no evidence to that concept was submitted at the hearing. For that fact the notarized

Affidavits stand as evidence that the customers knew about the commission structure and were all well aware of the strategies they were employing for their investment capital. Therefore, the use of testimony that was contrary to the sworn notarized Affidavits from the customers listed above should be stricken from the record with regard to the validity of said Affidavits. If not, then the entirety of each of these witnesses testimony should be stricken from the official record and thrown out as they have perjured themselves under oath either in the sworn notarized Affidavits or under direct testimony at the hearing. Either way their testimony to the knowledge of commissions, mark ups, mark downs and/or the overall structure of what they were investing in as laid out in the sworn notarized Affidavits shows that they were aware of the strategy being utilized and its potential costs. For that reason, the testimony should be dismissed.

23. The position taken by these clients is completely consistent with the fact that the DOE did NOT contend that the trading strategy was unsuitable. (See page 9, third paragraph of the DOE Decision), and none of the clients or the DOE complained about losses sustained in the account (See page first full paragraph of page 26 of the DOE Decision). It is impossible, therefore, to reconcile statements from clients under oath that they controlled the account with a DOE conclusion that excessive commissions

were charged. If the clients were in control of their accounts, it is disingenuous to conclude that they were not aware of commissions on statement's and confirmations that they admitted to having received.

24. **THEREFORE**, the DOE has violated my right to Due Process under the Constitution of the United States of America numerous times during these proceedings and failed to correct such violations. I was not offered a new hearing nor was I afforded the right to properly defend myself against all of this. Due to that I respectfully ask the SEC to dismiss the case against me or in the very least remand the case back to FINRA to rehear the case, this time with the proper discovery and all legal rights most especially due process being followed.

Yours, Etc.

Handwritten signature of Edward Beyn and the date 6/3/19.

BY: EDWARD BEYN

FINANCIAL INDUSTRY REGULATORY AUTHORITY  
NATIONAL ADJUDICATORY COUNSEL

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DEPARTMENT OF ENFORCEMENT,  
Complainant,

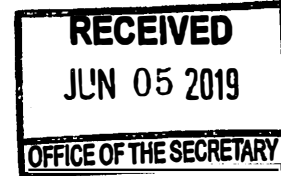
v.

CRAIG SCOTT CAPITAL, LLC,  
(CRD No. 155924)

CRAIG SCOTT TADDONIO  
(CRD No. 4773787),  
and

BRENT MORGAN PORGES  
(CRD No. 5406273)

Disciplinary Proceeding  
No. 2015044823502



DEPARTMENT OF ENFORCEMENT  
Complainant,

v.

Disciplinary Proceeding  
No. 2015044823502

EDWARD BEYN  
(CRD No. 5406273)

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Hearing Officer - DMF

## **EDWARD BEYN 's APPEAL BRIEF to the NAC**

I Edward Beyn files this Brief in support of my appeal of the decision rendered in FINRA Matter No: 2015044823501, and limits my appeal to two irrefutable issues dealing with (a) the lack of access to discovery and (b) the affidavits signed by the clients relating to the handling of their accounts. This appeal is not about testimony or the creditability of any witnesses, and the Department of Enforcement is limited therefore in its response and should not be allowed to argue irrelevant contentions relating to myself or other Respondents. I contend that (1) I was denied my right to defend myself properly based upon the consequential withholding of discovery documents by the FINRA Department of Enforcement ("DOE"), (2) the Decision by the Panel in the underlying action to allow the case to continue despite the Hearing Officer's acknowledgment and concern on the first day of the Hearing about the cause of, and the technological difficulties, experienced by myself in opening 5 million documents "produced" by the DOE, (3) the failure by the DOE to obtain such basic documentation in its investigation, such as the confirmations that the clients were sent out from the clearing firm, and (4) the failure of the Hearing Panel to give consideration to the Affidavits signed by the clients listed in the Complaint in which those clients admitted that they were aware of the trading in the account and controlled the account. For the reasons set forth below, I ask that the case be remanded back for hearing or dismissed in its entirety or dismissed in its entirety.

It is an absolute fact, and Hearing Officer Fitzgerald AGREED on the very first day of the hearing, that the FINRA Department of Enforcement was complicit in withholding access to 5 million pages of documentation from myself and the other Respondents. It is beyond any definition of due process to have allowed the DOE to proceed with its case given that fact, and the Hearing Officer struggled with the issue, as any reasonable person would have, as reflected throughout the transcript of the hearing. I will set forth below some of the statements from the Hearing Officer and the DOE which support the conclusion that I was not given a fair opportunity to defend myself, and that the Hearing of the matter should have been adjourned after the DOE admitted that it had not provided me with access to the 5 million pages of discovery it had gathered during its investigation.

The Hearing was an ambush from before it even began and continued during the Hearing as FINRA staffed the Hearing with no less than 5 Attorneys and 2 paralegals, while I and the remaining Respondents represented ourselves, Pro Se (See page 5 of the January 24, 2017 transcript). While Hearing Officer Fitzgerald stated on the record that "The Hearing Panel is committed to ensure that the proceeding is conducted with fairness to all parties" (See Page 6 lines 2 through 5 of the January 24, 2017 transcript), such was not the case in this Hearing. It is an absolute fact that Hearing Officer Fitzgerald began the hearing with the recognition that discovery had generated 5 million documents, that the Respondents were unable to review the documents, and that there was no index to the 5 million documents (See Pages 6,7 and 8 of January 24, 2017 transcript).

To put this in proper perspective, and bearing in mind again that that all the Respondents including myself were pro se litigants, there are 500 pages of paper in a ream of paper. There are 10 reams of paper in a box of paper. 5 million page's equals **10,000 reams of paper**. 10,000 reams of paper fit into 1,000 boxes. The size of a box of paper is 16 ½" long x 8 ½" high x 12 ½" wide. The Volume of a room is measured by multiplying length times width, then multiplying the result by the height. The volume of a 10x10 room therefore is 800 square feet. The room would be 360 feet wide by 360 feet long, which means that the room would fit 21 boxes along the length of the room, and 28 boxes along the width of the room. This means on each layer of the floor 616 boxes would lay. Dividing the 1,000 boxes of documents provided in discovery which the DOE did not provide access to on the first day of the hearing or before, the "hypothetical" room would be filled with two layers of boxes filled with paper, wall to wall in a 10x10 foot room.

In addition to the gigantic amount of discovery that was submitted by FINRA. The limited documents that I had access to because it was not password protected and I was able to go through in the limited time I had, were completely irrelevant such as pictures, [REDACTED] [REDACTED] from Craig Taddonio [REDACTED] to invoices of [REDACTED]. All completely irrelevant to this case. The strategy of FINRA to over inundate me with documents knowing that I was Pro Se and didn't have a team of lawyers and associates which would be essential to go through this amount of documents proved successful by FINRA to not allow me to find relevant documents to defend my case. It's like looking for a needle in a haystack by myself. Not only that there was not a hay stack to go through because I was not provided with passwords to access files in the discovery.

I was given the passwords after the hearing was over and I still couldn't access the documents due to the point the DISCOVERY was not compatible to MAC software which FINRA new from the Start that was the only operating software I had available, and FINRA IT TEAM couldn't not make it compatible. Even when I came back to FINRA HEADQUARTERS on Thursday February 16<sup>th</sup> 2017 at 200 liberty St New York, NY 10281 roughly a week after the hearing was over. Under HEARING OFFICER FITSGERLAD instructions to have FINRA Staff help me access the discover proven to still be unsuccessful.

The Next day on February 17, 2017 at 3:53pm I received an email from Danielle Schanz Senior Litigation Counsel from Enforcement Department Financial Industry Regulatory Authority, and in that email is a zip file that has passwords to access discovery ( see Exhibit A attached to this Brief). These passwords should have been provided to me before the hearing. While FINRA had the resources to filter the relevant documents and while I was not given the proper passwords and software to help me access and filter the discovery.

These documents were not made accessible to myself and the remaining Respondents when the hearing began, the DOE admitted as such, hearing officer Fitzgerald acknowledged that he was concerned, and YET, he still allowed the hearing to go forward. There is no more basic fundamental element of fairness in the United States legal system than to review the

evidence against you before trial, and this is the very foundation of fairness that differentiates our system of justice from other countries. The reason for this open discovery before a trial begins, is to prevent an ambush by trial. Imagine trying to look at 5 million documents at any point in time, then try to imagine the Judge on your case saying in essence "I know you didn't have access to all the documents in your case, but we are going to go forward and you can look at them as we go along. Oh and by the way, there will be at least 5 attorneys and two paralegals at the Hearing who have spent months reviewing these documents ready to cross exam you on these documents at any moment". This was the result of the decision by Hearing Officer Fitzgerald to go forward after a prolonged discussion of discovery issues at the very beginning of the hearing.

The DOE admitted that the documents were not labeled but only Bate Stamped (See page 10, lines 19 through 25 of the January 24, 2017 transcript). The records did not allow for a search by customer name, for example, so I could not even find documents relating to clients that were allegedly at issue. (See Page 13, lines 24 and 25, and Page 14, lines 1 through 20 of the January 24, 2017 transcript).

Remarkably, but not, given the prejudice that was evidenced in this case at the Hearing, the DOE admitted to Hearing Officer Fitzgerald, through testimony of Christopher Leigh, that I had "only recently been given access to the data on an encrypted hard drive", and that I had difficulty opening files due to technology issues. (See page 23, line 24 through Page 30, line 5 of the January 24, 2017 transcript). These problems continued and I memorialized them on December 16, 2016 as reflected in the transcript on pages 31 through 33 of the January 24, 2017 transcript.

In fact, Hearing Officer Fitzgerald specifically asked me if I was still encountering difficulty in reviewing the documents, and my response was "yes, the majority of them." (See pages 45 and 47, of the January 24, 2017 transcript). The height of prejudice was evidenced when Hearing Officer Fitzgerald, downplaying the inability to access discovery of 5 million documents said "I am not going to put off a case based upon hypothetical documents" (See page 51 of the January 24, 2017 transcript). There is simply no way to reconcile Hearing Officer Fitzgerald's opening statement about fairness to the parties, with his refusal to allow me access to discovery documents that had been gathered by the DOE.

Hearing officer Fitzgerald, ultimately decided to move forward with the hearing after discussing these discovery issues on the first day of the Hearing, but admitted that "I had some concern with production in this case because of the volume and the issues about it. But I am not prepared to stop the hearing..." (see pages 58 and 59 of the January 24, 2017 transcript). There was no testimony given to Hearing Officer Fitzgerald that could possibly have satisfied his "concern" because the production was still not available to myself and the other Respondents. Therefore, the hearing of this matter continued without my ability to review documents necessary to not only prepare for the case, but to properly defend myself.



No remedy, even giving respondents 30 days after the testimony has been elicited to “sit down at FINRA offices to look at 5 million documents”, as was decided AFTER THE HEARING (See pages 730 through 732 of the January 24, 2017 transcript), could not possibly cure the harm of my inability to review documents **before** the testimony of witnesses. The Hearing Officer “put a band aid on a hemorrhaging wound” and there was no conceivable way I or the remaining Respondents could possibly review in 30 days what most lawyer get many months to review. It is simply unconscionable, and I ask that the case be remanded for hearing.

Similarly, The Hearing Panel had concern over the fact that confirmations for the customers at issue, had not been produced or obtained, which is outrageous given the charges against me. (See page 59 and 64 and 65 of the January 24, 2017 transcript). How can I possibly examine a client who alleged at the hearing that he didn’t know about the commissions, when the very confirmations that he was sent were not available to me in discovery. In addition, the panel should have been presented with evidence if the confirmation showed the client that the trade was solicited, or not, and whether that client had an opportunity to object to the contents of the confirmation. Otherwise, why send out confirmations for a client to verify what occurred.

Instead, the DOE and the Hearing Officer allowed the trading blotter to suffice. Clients don’t receive trading blotters, and this prejudice also requires that the case be remanded. The DOE alleged that the clients did not understand or know about commissions being charged, and yet the DOE did not even ask the clearing firm for those confirmations to enable the panel, or me, to question the clients about information that was right on the confirmations that were mailed to their home or business.

It is also a fact that the FINRA Investigator who spoke to the clients did not ask the clients if they received their statements and confirmations from the clearing firm, and that he didn’t recall if any clients advised him that they didn’t receive their statements and confirmations from the clearing firm. (see page 3475 of the January 24, 2017 transcript). As such it is impossible therefor to have concluded that the clients did not receive their confirmations and therefore it is impossible for the Panel to have concluded that the clients were not aware of the mark up and mark downs, or commissions. There simply was no evidence that the clients didn’t receive their confirmations and therefore the Panel could not have decided that the clients were unaware of commission disclosures. The rush to judgment by the Hearing Panel clouded their obligations as independent “jurists”.

With regard to the only other issue raised in this appeal, the Affidavits signed by the clients who testified against me at the hearing, it is a fact that Messrs. Kennedy, Pixley and Heikkila each signed affidavits UNDER OATH that reflect that they were experienced investors, and that they did not believe the trading in their accounts were excessive and that they had ultimate control over the accounts. See Exhibits CX 149 (Pixley), CX 169 (Kennedy), and CX 177 (Heikkila). Each of these individuals “swore that the information in their affidavit was accurate and true”. (see last line of each Affidavit). In their Affidavits, sworn under oath, they DID NOT

say they were forced to sign the Affidavit, they did not say “my job was in jeopardy unless they signed the Affidavit”, they did not say that they didn’t know what mark up and mark downs were, and they did not say \$99 commissions weren’t being charged, etc. Instead, they signed a legal document that says they were in control of their account and that the trading was suitable. Any conclusion by the panel that they believed otherwise, therefore, leaves these individuals exposed to charges of declaring a false statement under oath, and a finding by the Panel that requires remanding.

In fact, Mr. McKibbin stated that he received the confirmations and reviewed the confirmations (See pages 538 and 540 of the January 25, 2017 transcript), Mr. Pixley admitted in his testimony that he saw the confirmations and didn’t ignore them and that “the information was there to see” ( See pages 1510-1512 of the January 30, 2017 transcript) and Mr. Kennedy admitted to having seen the confirms See pages 2450 through 2451 and 2581 through 2582 of the February 1, 2017 transcript,) and Mr. Heikkila also expressed similar admissions in his testimony ( see pages 1244 of the January 24, 2017 transcript).

These individuals DID NOT say they were forced into signing the affidavits, or that they were forced to lie under oath with the penalty of perjury that exists from lying under oath. To ignore these Affidavits, as the panel did in rendering its decision, the panel had to ignore these notarized Affidavits, otherwise any conflicting testimony by these clients results in a conclusion that they lied under oath in their Affidavits. The DOE can’t have it both ways, because otherwise the finding that I was involved in wrongdoing exposes these investors to perjury, a fact not likely informed to the investors by the DOE.

The position taken by these clients is completely consistent with the fact that the DOE did NOT contend that the trading strategy was unsuitable. (See page 9, third paragraph of the DOE Decision), and none of the clients or the DOE complained about losses sustained in the account (See page first full paragraph of page 26 of the DOE Decision). It is impossible, therefore, to reconcile statements from clients under oath that they controlled the account with a DOE conclusion that excessive commissions were charged. If the clients were in control of their accounts, it is disingenuous to conclude that they were not aware of commissions on statement’s and confirmations that they admitted to having received!

**IN CONCLUSION**, the prejudice that resulted from the incidents in Discovery as set forth above, and the contradictory positions taken by the investors which raise grave concerns about the truthfulness of their sworn affidavits compared to their testimony, warrants the remanding of this case back to the DOE for a new hearing.

Respectfully submitted,

*Edward Beyn* 12/4/17

Edward Beyn

██████████  
Dixhills, NY ██████████

Exhibit A



Edward Beyn (edwardbeyn@gmail.com)

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## Craig Scott document review

1 message

---

**Schanz, Danielle I** <Danielle.Schanz@finra.org> Fri, Feb 17, 2017 at 3:53 PM  
To: "[REDACTED]@aol.com" ([REDACTED]@aol.com) <[REDACTED]@aol.com>, "[REDACTED]@gmail.com" (edwardbeyn@gmail.com) <[REDACTED]@gmail.com>  
Cc: "Shetty, Vaishali" <Vaishali.Shetty@finra.org>, "Wlazlo, Artur" <Artur.Wlazlo@finra.org>, "López, Carlos" <Carlos.Lopez@finra.org>, "Mora, Daniel" <Daniel.Mora@finra.org>, "Wan, Henry" <Henry.Wan@finra.org>, "Narducci, John" <John.Narducci@finra.org>

As discussed yesterday, please find attached below a list of passwords for materials in the production.

---

*Danielle I. Schanz*  
Senior Litigation Counsel  
Enforcement Department  
Financial Industry Regulatory Authority  
One World Financial Center  
200 Liberty Street  
New York, NY 10281-1003  
phone: 646.315.7402  
fax: 202.689.3467

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 **ZIP FILE INDEX.docx**  
21K

CERTIFICATE OF SERVICE

I hereby certify that have caused a copy of the forgoing" NAC APPEAL. Complaint No. 2015044823502" to be sent by THE UPS STORE ( Certified Mail) this 4th day of December, 2017, to:

FINRA  
Office of General Counsel  
1735 K Street NW  
Washington, DC 20006-1506  
Attention: Celia Passoro

 12/4/17  
Edward Beyn

[REDACTED]  
D [REDACTED]  
Cell: [REDACTED]

**Dear Ms. Schanz:**

**I am responding to the email that was sent to me on 11/18/16. I am still in the process of finding new legal counsel. I don't want to be late with any responses.**

**The following persons should be witnesses:**

**Nico Rutella, Edward Beyn,**

**The following documents should be exhibits:**

### **DEFINITIONS**

**A. Document is used herein in its broadest sense. "Document" includes, but is not limited to, any kind of written or graphic matter however produced or reproduced, of any kind or description, whether sent or received neither, including originals, copies and drafts and both sides thereof, in the custody, possession or control of Respondents and including but not limited to: papers, books, letters, photographs, objects, tangible things, correspondence, telegrams, cables, telex messages, e-mails, confirmations, receipts, account statements, memoranda, notes, notebooks, notations, work papers, work sheets, data sheets, bulletins, instructions, transcripts, transcripts or sound recordings of testimony, deposition transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings, agendas, affidavits, statements, opinions, appraisals, reports, records, studies, analyses, evaluations, balance sheets, financial statements, prospectuses, advertisements, circulars, certificates, press releases, notices, annual reports, quarterly reports, contracts, pamphlets, catalogs, periodicals, magazine articles, newspaper articles, literature, manuals, agreements, bills, invoices, journals, ledgers, books of original entry, bank account statements, confirmations of securities transactions, statistical records, calendars, desk calendars, appointment books, diaries, time records, telephone logs, expense reports, summaries, sound recordings, electronic mail (e-mails), text messages, printouts of information stored or maintained by electronic data processing or word processing equipment, all other data compilations for which information can be obtained (by translation, if necessary, by you through detection devices into useable form) including, without limitation, data bases, electromagnetically sensitive storage media, such as floppy disks, SIM cards, and magnetic tapes, audio recording, including, without limitation, voice messaging records, data processing cards, data processing input and output, microfilms, all other records kept by electronic, photographic or mechanical means, including, without limitation, information stored electronically on an external driver, including, DVD, CD and thumb drives and things similar to any of the foregoing however denominated by the party required to produce hereunder.**

**B. "Concern" or "concerning" shall mean relating to, referring to, connected with, commenting on, responding to, supporting, containing, evidencing, involving, showing, memorializing, describing, analyzing, reflecting, comprising or constituting.**

**C. "Identify" shall mean to set forth an individual's full name, present or last known address and present or last known business affiliation.**

D. "Customer" shall mean the Claimant herein.

## INSTRUCTIONS

A. If copies or drafts exist of documents, the production of which has been requested herein, produce and submit for inspection and copying each and every copy and draft which differs in any way from the original documents or from any other copy or draft.

B. If any documents covered by this request for documents are withheld from production, furnish a List of all such documents withheld, containing a complete description of each such document and stating the ground or grounds upon which it is being withheld. If the refusal to produce any document is based upon a claim that the document is subject to a privilege, state as to such document the nature and basis of the claim of privilege.

C. Unless otherwise specified in a particular Request, each Request is related to the period from and including October 13,2010 to and including November 28, 2016.

## REQUESTS FOR DOCUMENTS

1. All documents described Lists for Customer Arbitrations from October 13,2010 to November 28,2016
2. All account documents (account agreements, new account forms, account statements, etc.) from all firms for Edward Kennedy and that include his Corp Accounts, LLC Accounts, Joint Accounts, Trust Accounts and stock brokerage accounts he every participated in with the last 10 years.
3. All account documents (account agreements, new account forms, account statements, etc.) from all firms for Timothy Plixely and that include his Corp Accounts, LLC Accounts, Joint Accounts, Trust Accounts and stock brokerage accounts he every participated in with the last 10 years.
4. All account documents (account agreements, new account forms, account statements, etc.) from all firms for Edwin Heikkila Jr and that include his Corp Accounts, LLC Accounts, Joint Accounts, Trust Accounts and stock brokerage accounts he every participated in with the last 10 years.
5. All account documents (account agreements, new account forms, account statements, etc.) from all firms for Jim Bolton and that include his Corp Accounts, LLC Accounts, Joint Accounts, Trust Accounts and stock brokerage accounts he every participated in with the last 10 years.
6. All account documents (account agreements, new account forms, account statements, etc.) from all firms for (Bradley McKibbln, Wayne Rea, Dr Abrahamson, Susan Rutherford, Howard Anderson) and that include his Corp Accounts, LLC Accounts, Joint Accounts, Trust Accounts and stock brokerage accounts he every participated in with the last 10 years.
7. All brokerage account applications executed by the Customers.
8. All agreements between Customer and CSC, Edward Beyn and other firms
9. All documents concerning "Respondent- Edward Beyn
10. All documents concerning "Respondent-Craig Taddonio
11. All documents concerning "Respondent-'Brent Porges

- 12. All documents concerning "Respondent-'Samantha Martella**
- 13. All documents concerning Micheal Mavashev (IPro IT Solutions, Inc)**
- 14. All documents concerning Customer's (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) "age, risk tolerance, investment experience and strategy, financial situations and time horizon" alleged in the Amended Statement of Claim.**
- 15. All documents concerning real property owned by Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) , either wholly or partly, and/or either directly or through a business entity.**
- 16. All documents concerning Customer's "savings" alleged m the Amended Statement of Claim.**
- 17. All documents concerning "case preparation and expert testimony preparation fees" alleged in the Amended Statement of Claim.**
- 18. I documents concerning the "abusive activity" alleged m the Amended Statement of Claim.**
- 19. All documents concerning the allegation in the Amended Statement of Claim of each customer( Wayne Rea, Bradley McKibbin, Jim Bolton, Susan Rutherford, Howard Anderson, Edward Kennedy, Dr. Robert Abrahamson, Tim Pixely and family, Edwin Heikkila Jr and family that "the known commissions, fees and markup/markdowns**
- 20. All account documents (account agreements, new account forms, account statements, etc.) from all firms for customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) and that include his Corp Accounts, LLC Accounts, Joint Accounts, Trust Accounts and stock brokerage accounts he every participated in with the last 10 years.**
- 21. All account documents (account agreements, new account forms, account statements, etc.) from all firms for Dr. Robert Abrahamson and that include his Corp Accounts, LLC Accounts, Joint Accounts, Trust Accounts and stock brokerage accounts he every participated in with the last 10 years.**
- 22. All account documents (account agreements, new account forms, account statements, etc.) from all firms for Susan Rutherford and that include his Corp Accounts, LLC Accounts, Joint Accounts, Trust Accounts and stock brokerage accounts he every participated in with the last 10 years.**
- 23. All account documents (account agreements, new account forms, account statements, etc.) from all firms for Howard Anderson and that include his Corp Accounts, LLC Accounts, Joint Accounts, Trust Accounts and stock brokerage accounts he every participated in with the last 10 years.**
- 24. All income tax returns or the equivalent for any other type of return for customers(Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton,) and any business owned by Customers(Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton,) within the last 10 years.**
- 25. All income tax returns or the equivalent for any other type of return for Susan Rutherford and any business owned by Susan Rutherford within the last 10 years.**
- 26. All income tax returns or the equivalent for any other type of return for Howard Anderson and any business owned by Howard Anderson within the last 10 years.**



- 27.nAll income tax returns or the equivalent for any other type of return for Timothy Pixely and any business owned by Timothy Pixely within the last 10 years.n
- 28.nAll income tax returns or the equivalent for any other type of return for Edwin Heikkila Jr and any business owned by Edwin Heikkila Jr within the last 10 years.n
- 29.nAll income tax returns or the equivalent for any other type of return for Dr. Robert Abrahamson and any business owned by Dr. Robert Abrahamson within the last 10 years.n
- 30.nAll income tax returns or the equivalent for any other type of return for Wayne Rea and any business owned by Wayne Rea within the last 10 years.n
- 31.nAll income tax returns or the equivalent for any other type of return for (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Dr Abrahamson, Jim Bolton, Susann Rutherford, Howard Anderson) and any business owned by (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susann Rutherford, Howard Anderson) within the last 10 years.n
- 32.nAll documents between Customers(Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) and/or his attorneys and CSC and/or its members, managers, officers, employees, agents or representatives.n
- 33.nAll income tax returns or the equivalent for any other type of return for Customer's(Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) and any business owned by Customer's(Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson).n
- 34.nAll documents Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) received from n CSC including, without limitation, monthly statements, confirmations, opening account forms, option account forms, annual and periodic reports and correspondence.n
- 35.nAccount statements, confirmations, opening account forms and option account forms for accounts maintained by Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) at securities firms other than CSCn
- 36.nAll documents concerning the account at issue signed or provided by Customers(Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) to CSCn
- 37.nAll recordings, notes or logs of telephone calls or conversations concerning then Clients(Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) account at issue that occurred between CSC/ Edward Beyn and Customer.n
- 38.nAll recordings, notes or logs of telephone calls or conversations concerning the Tim Pixely Clients account at issue that occurred between CSC/ Edward Beyn and Customer.n
- 39.nAll recordings, notes or logs of telephone calls or conversations concerning the Edwin Heikkila jr Clients account at issue that occurred between CSC/ Edward Beyn and Customer.n
- 40.nAll recordings, notes or logs of telephone calls or conversations concerning the Wayne Rea Clients account at issue that occurred between CSC/ Edward Beyn and Customer.n
- 41.nAll recordings, notes or logs of telephone calls or conversations concerning the Bradley Mckibbin Clients account at issue that occurred between CSC/ Edward Beyn and Customer.n
- 42.nAll recordings, notes or logs of telephone calls or conversations concerning the Dr. Robert Abrahamson Clients account at issue that occurred between CSC/ Edward Beyn and Customer.n
- 43.nAll recordings, notes or logs of telephone calls or conversations concerning Howard Anderson Clients account at issue that occurred between CSC/ Edward Beyn and Customer.n
- 44.nAll recordings, notes or logs of telephone calls or conversations concerning Susan Rutherford Clients account at issue that occurred between CSC/ Edward Beyn and Customer.n

45. All recordings, notes or logs of telephone calls or conversations concerning Jim Bolton Clients account at issue that occurred between CSC/ Edward Beyn and Customer
46. All documents between Customer (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) ( or any person acting on behalf of Customer) and concerning the account at issue.
47. Previously prepared written statements by persons with knowledge of the facts and circumstances concerning the account of (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) at issue, including, without limitation, those by accountants, tax advisors, financial planners, other associated persons or any third party
48. All complaints by or on behalf of Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) concerning securities matters.
49. All arbitrations, lawsuits or other proceedings by or on behalf of Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) concerning securities matters.
50. All documents concerning actions taken by Customer to limit losses in the accounts of (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) at issue.
51. Documents sufficient to show Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) ownership in or control over any business entities including, without limitation, general or limited partnerships, limited liability companies and closely held corporations.
52. A copy of Customer's (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) resume or curriculum vitae
53. Documents sufficient to show the complete educational and employment background of Customer (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) or, in the alternative, a description of the educational and employment background of Customer (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) not set forth in the resume or curriculum vitae produced under request
54. Copies of all telephone records, including telephone logs, evidencing contact between Customer (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) and Edward Beyn, Craig Taddonio and Brent Porges
55. All documents concerning complaints made by Customer (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) to Edward Beyn, CSC, Brent Porges, and Craig Taddonio
56. All documents concerning objections to any transaction in the account at issue made by Customer (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) to Edward Beyn
57. All documents concerning the damage which Customer allegedly sustained and requests as part of the award in this proceeding.
58. All documents concerning investment contracts, partnership interests and/or tax shelter investments purchased, sold and are held by or on behalf of Customer, whether individually or jointly.
59. All documents concernmg any securities, options or commodities accounts Customer held with any person, firm or corporation, whether jointly or individually, or as trustor, trustee or custodian, including, but not limited to, account statements, confirmations, new account forms,

option and/or margin agreements, option qualification forms and documents concerning the manner in which the account was or has been maintained and the investments which were to or have been made therein.

- 60.nAll newspapers, magazines or periodicals concerning investments in securities, options,n commodities or commodity futures contracts received by Customers (Bradley Mckibbin,n Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton,n Susan Rutherford, Howard Anderson)n
- 61.nAll financial statements, applications, subscription questionnaires and agreements, promissory notes, prospectus', guaranty agreements and other documents concerning investments, if any,n by Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) in limited partnerships or other business entities or interests.n
- 62.nAll ledgers, charts, agreements, journals or other documents maintained by Customers(Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) or his accountants or bookkeepers concerning investments at any broker/dealer.n
- 63.nAll documents which have been furnished, shown, described or otherwise provided or offered to any expert who may testify in this Arbitration, including, without limitation, all opinions,n observations, tests, reports, factual data, calculations, charts, graphs, models, drawings,n pictures, photographs and sound recordings.n
- 64.nAll documents developed in whole or in part by any expert who may testify at the hearing ofn this matter.n
- 65.nAll documents concerning any loan or other indebtedness, including, without limitation mortgages, by or to Customers Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson)n
- 66.nIf Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea,n Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) invested in a private offering prior to opening his account at Craig Scott Capital produce all documents received in connection therewith.n
- 67.nAll documents concerning any instructions given by Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) to Edward Beynn
- 68.nAll documents concerning any annuity Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) has ever purchased.n
- 69.nCopies of Customer's (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely,n Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) bank statements. Their Individual, Corp, LLC, LP,etc for the last 10 years.n
- 70.nAll loan applications submitted by Customers Customer's (Bradley Mckibbin, Edward Kennedy,n Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford,n Howard Anderson) to a banking institution.n
- 71.nAll trust and estate documents concerning Customers (Bradley Mckibbin, Edward Kennedy,n Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford,n Howard Anderson) becoming the beneficiary of any property, real or otherwise.n
- 72.nEnd of year credit card statements for 2010,2011,2012,2013,2014,2015,2016 for every credit cardn in the name of Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely,n Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson).n
- 73.nAll documents concerning loans from Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) to any third party.n

74. All documents to be used by Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) at the hearing to support the allegations set forth in the alleged Causes of Actions.
75. If Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) rents any properties to third parties, all rent/lease documents.
76. If Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) pays any rent to any third party for property, all rent/ lease documents.

### REQUESTS FOR INFORMATION

77. Identify all individuals with whom Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) has discussed his investments or any of the facts set forth in the Statement of Claim.
78. Identify all registered representatives or stockbrokers or commodities brokers, whether located in the United States or elsewhere, with whom Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) dealt or is currently dealing.
79. Identify all persons with whom Customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) communicated, in any manner whatsoever, concerning any Respondent.
80. Identify any accountant and/or financial advisor who reviewed Customer's (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) income or losses from investments.
81. Identify the direct and indirect owners, managers and members of Craig Scott Capital
82. Identify the direct and indirect owners, managers and members of customer's business and other entities (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson) .
83. Identify all persons Customer intends to call as witnesses at the hearing in this hearing.
84. Information of Samantha Martella employee contract CSC.
85. Information on Joseph Gentile employee contract with CSC.
86. My answer to statement of claim regarding customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson).
87. Information on any claim against Micheal Venturino.
88. List of all CSC Earnings research.
89. CSC Email going back and forth from Samantha Martella to Craig Taddonio
90. CSC Emails going back and forth from Joseph Gentile to Craig Taddonio
91. CSC Emails going back and forth from Brent Porges to Craig Taddonio
92. CSC Emails going back and forth from Samantha Martella to Brent Porges
93. CSC Emails going back and forth from Samantha Martella to Joseph Gentile
94. CSC Emails going for Joseph Safina to Craig Taddonio
95. All Customer complaints at CSC
96. CSC Emails going back and forth from Richard Crockett to Craig Taddonio, Samantha Martella and Brent Porges.

97. Any correspondence that has to do with Edward Beyn to CSC and the owners
98. Any correspondence that has to do with Edward Beyn and customers (Bradley Mckibbin, Edward Kennedy, Edwin Heikkila, Timothy Pixely, Wayne Rea, Dr Abrahamson, Jim Bolton, Susan Rutherford, Howard Anderson).
99. All signed affidavids that customers signed and sent back to Craig Scott Capital.
100. All signed Active Trading letters that customers signed and sent back to Craig Scott Capital.
101. All Affidavids that were sent out to customers of Craig Scott Capital, LLC
102. All Active Trading Letters that were sent out to customers of Craig Scott Capital, LLC.

When you can send the discovery please send some type of table of contents so I can go through this quickly.

Thank You

Edward Beyn



██████████ ██████████  
Dixhills, Ny ██████████

Tel: ██████████

Email: ██████████@gmail.com

1.06.17

Dear Mr. Campbell,

I Respondent Beyn specifically refers the Hearing Officer to FINRA RULE 9222 which supports the requested brief adjournment. It is a fact that the subsection (b) (1) considerations have been met in this request because ( A) the hearing is set for 3 consecutive weeks, (B) there have been no prior requests for adjournments, (C) the hearings have not begun yet, (D) there is NO harm to the public because I am not are licensed in the securities industry.

If the Hearing Officer is restrained by Rule 9222 to limit the adjournment to 28 days, I respondent Beyn amends his request accordingly. Thank You.

Sincerely,

Edward Beyn

A handwritten signature in black ink, appearing to read 'Edward Beyn', written over a horizontal line.

██████████

Dixhills, Ny ██████████

Tell: ██████████

December 4, 2016

[To Finra Hearing Officer Lucinda McConathy]

Please consider this letter to be the Motions of Respondent Edward Beyn to (1) compel the complete production from Enforcement of all relevant documents in their possession, custody, or control relating to the six customers referenced in the Complaint, and (2) stay this matter based upon the bankruptcy filing of co-Respondent Craig Taddaonio, or to sever my case from the case filed against Mr. Taddaonio and others. Any failure by the Hearing Officer to grant the relief requested in these Motions will unfairly prejudice my ability to respond to the untrue charges filed against me and to defend myself against the draconian relief of a lifetime bar that Enforcement seeks. Accordingly, the Hearing Officer should grant both of these Motions.

**I. ENFORCEMENT MUST BE ORDERED TO IMMEDIATELY PRODUCE ALL DOCUMENTS REGARDING THE SIX CUSTOMERS THAT ARE RELEVANT TO THE CLAIMS AND MY DEFENSES. I have attached a word document that is named Updated Finra Response 12.4.16**

The crux of Enforcement's claim against me in this action is that I supposedly excessively traded and churned the accounts of six specific customers (identified by their initials) without regard to suitability. See Complaint ¶¶ 1, 4, and 5. By making this false allegations, Enforcement has put at issue all of the factors that are necessary to assess customer suitability and the nature of who "controlled" the trading, yet they improperly refuse to provide me with the documents they have that are necessary to defend myself.

According to FINRA's Rule 2111 (Suitability) FAQ (found at <http://www.finra.org/industry/faq-finra-rule-2111-suitability-faq>), in assessing suitability, one must look at the customer's investment profile, which includes his age, other investments, financial situation and needs, tax status, investment objectives, investment experience, investment time horizon, liquidity needs and risk tolerance. And in FINRA arbitrations, respondents are entitled to receive certain documents that reveal the true nature of the customer's investment profile – tax returns, financial statements, complete account documents from all brokerage firms, litigation documents, financials etc. See FINRA Discovery Guide List 2 (attached).

Although I would be entitled to these documents to defend myself if a customer were seeking money from me in arbitration, Enforcement is seeking to bar me from the business for life and yet refuses to give me the documents necessary to defend myself. The Hearing Office will be unable to accurately assess the true investment profile of the six specific customers named in the Complaint against me if the only evidence available is the misleading and incomplete documentation that Enforcement chooses to give me. And if that is the case, I will be unfairly prejudiced in my ability to properly defend myself in what is essentially a death penalty case over my license. I request that enforcement fulfill my need for additional documentation in the attached file word document that is named Updated Finra Response 12.4.16 that will be attached to this email.

**II. THIS CASE MUST BE STAYED BECAUSE OF THE BANKRUPTCY FILING OF CO-RESPONDENT CRAIG TADDONIO OR THE CLAIMS AGAINST ME MUST BE SEVERED**

After filing a Complaint solely against me based upon the allegedly improper trading in six customer accounts, Enforcement decided to consolidate the Complaint against me with the Complaint it filed against my former firm and two officers of that firm, including co-Respondent Craig Taddonio. Although I believe that the claims against Mr. Taddonio have nothing to do with me, Enforcement has disagreed and taken the position that they do.

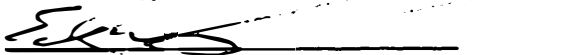
It is a matter of public record that Mr. Taddonio filed for bankruptcy protection in the EDNY Bankruptcy Court on September 6, 2016. In addition to his filing being available on the Court's docket, Mr. Taddonio's bankruptcy filing is referenced in his CRD BrokerCheck form available at <http://brokercheck.finra.org/>. A copy of Mr. Taddonio's BrokerCheck report is attached.

Despite the automatic stay of the Bankruptcy Code, Enforcement has continued to litigate the consolidated case. And, contrary to the false statements made by Enforcement that they were "only" seeking a lifetime bar against Mr. Taddonio, the Complaint itself states on pages 39-40 that Enforcement is seeking disgorgement of commissions and restitution of customer losses against Mr. Taddonio. Thus, their continued litigation of this case violates the automatic stay of the Bankruptcy Code. And, according to the U.S. Court of Appeals for the Second Circuit, the automatic stay applies to co-defendants of the debtor. *Queenie, Ltd. v. Nygard Intern*, 321 F. 3d 282 (2d Cir. 2003). The entire case must therefore be stayed, or the claims against me should be severed from those against Mr. Taddonio and the other co-respondents.

Accordingly, I respectfully request that the Hearing Office grant both of my motions.

Respectfully,

Edward Beyn



██████████

Dixhills, Ny ██████████

██████████@gmail.com



12.15.16

Dear Mrs. McConathy,

Enforcement's Complaint against me is based upon allegations that I excessively traded in six of my customers' accounts. Based upon these untrue allegations, Enforcement's Complaint seeks sanctions against me based upon purported churning and violations of the suitability rule. As will be shown at the hearing, these claims and allegations are without merit, and Enforcement will not be able to prove the required elements of their action against me.

First, the Complaint alleges that I engaged in churning in violation of the federal securities laws, including Section 10(b) of the Exchange Act and Rule 10b-5. In order to prove a claim for churning under the law, Enforcement must prove as to each of the six customers that: (1) the trading in each account was excessive in light of each customer's investment objectives; (2) that I controlled the trading in each of the six customers' accounts; and (3) that I acted with the intent to defraud each customer, or acted with willful and reckless disregard for the interests of each of the customers' interests. *Miley v. Oppenheimer & Company, Inc.*, 637 F.2d 318 (5th Cir. 1981).

Second, the Complaint alleges that the trading in the accounts of the six customers was in violation of quantitative suitability. This claim is similar to the claim for churning and has similar elements. Under this theory, Enforcement is required to submit proof that I had control over the accounts in question. Since they cannot prove that I had discretionary authority over these accounts, they must try to prove that I had control over these accounts based upon evidence that each of the six customers were "unable to evaluate" my recommendations and that they were unable "to exercise independent judgment." See *Rafael Pinchas*, 54 S.E.C. 331, 337-38 (1999). Enforcement must also prove as to each of the six customers that the allegedly excessive trading activity was inconsistent with each of the six customers' financial circumstances and investment objectives, and that I acted with the intent to defraud each of my six customers.

Finally, Enforcement alleges that I violated the suitability rule by recommending transactions in exchange traded notes to one of my customers. They must prove that, at the time I made this recommendation, I did not have reasonable grounds to believe that the recommendation was suitable for the customer in light of his investment objectives, investment experience, and financial situation.

As will be shown at the hearing Enforcement will be unable to prove their claims, and therefore such claims should be dismissed.

Sincerely,

Edward Beyn

A handwritten signature in black ink, appearing to read "Edward Beyn", is written over a horizontal line.

12.15.16

Dear Mrs. McConathy,

**Please be advised that I am unable to provide a list of witnesses and exhibits (other than the draft list that I previously submitted) as required by the Scheduling Order due to the refusal of Enforcement to provide me with the documents necessary for my defense. Although I made repeated requests for documents, I only received a partial production from Enforcement a few days ago. Further, my lawyer withdrew from this case some time ago because I could no longer afford to pay him, and he did not give me any of the case documents until yesterday. I was also told that the discovery is over 5 million files. I was told that there were personal pictures and other documents in those files that have nothing to do with my charges. This consolidation is bias and prejudice to my defense. I am also want to put on record the additional documents that I requested and was DENIED should be included as exhibits. These documents will prove that these allegations are completely false. Enforcement is doing everything possible to prevent me from defending myself. This is a complete charade.**

Sincerely,

Edward Beyn

A handwritten signature in black ink, appearing to read 'Edward Beyn', written over a horizontal line. The signature is stylized and somewhat cursive.

██████████  
Dixhills, Ny ██████████

1/5/17

Dear Enforcement,  
Case Manager,  
Mathew Campbell,  
Craig Taddonio,  
and Brent Porges.

I Respondent Beyn files this Motion for (1) a brief 30 day adjournment of this matter and (2) a separation of the hearing such that the former clients who are being proposed as witnesses against me are presented in sequence during the hearing.

(1) The basis for the request for a 30 Day adjournment of the entire case rests upon the FACT that prior counsel for me (Paul McMeniman, Esq) abruptly withdrew from representation in this case on October 16, 2016, a mere 3 months before the scheduled hearing of this matter. In order to move forward with this case, I made a decision to confront the allegations against me on my own, rather than decide to retain new counsel who could possibly have had a conflict with the hearing of this matter which would likely have resulted in an attorney requesting a lengthy adjournment. However, but I had NO IDEA that there were LITERALLY over 5,000,000 documents provided by FINRA for review, and it is unquestionably impossible for me to prepare for the hearing which begins in a few weeks.

It is a fact, that due to the consolidation of this case, I have the burden of reviewing literally over 5,000,000 documents submitted by FINRA in this matter, which consisted of over 734,000 files including audio recordings, account statements, OTR transcripts, customer statements from firms other than Craig Scott capital, expert witness reports, and phone records. Since the case was consolidated, I need to review every single document that FINRA produced that may, or may not involve me, since I can take NOTHING for granted. If the case had not been consolidated, I would have known that any document produced by FINRA to me would have only applied to my case, but this is now not the case since the 5,000,000 documents can apply to me, or not.

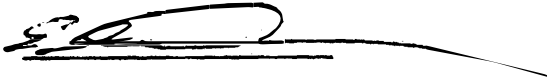
It simply is impossible for me to be fully prepared to defend myself given the onslaught of documents that has come to me over the past few months. I literally spend every night

reviewing as many documents as I can and I still have problems opening up many files from the discovery hard drive , but the mountain of documentation is simply overwhelming due to the consolidation. For this reason, I request a 30 day extension. I am not asking for more than that which "could" be viewed as a hardship to the Department of Enforcement, and therefore I believe my request is completely justified and reasonable.

To the extent that the brief adjournment is *not* granted, which I believe would be prejudicial given the circumstances, I ask that the Hearing Officer direct The Department of Enforcement to list the sequence of witnesses to be called so that I can attend only those sessions that address issues relating to the allegations lodged against me. Similarly, I also ask that the Hearing Officer consider directing The Department of Enforcement to separate the case during the period reserved for the hearing so that, other than the supervisory elements of the case, that my portion of the case be segregated. Without this direction, I am concerned that The Department of Enforcement will meaninglessly intersperse the testimony of my clients during the period reserved for the hearing.

Sincerely,

Edward Beyn



██████████

Dixhills, Ny ██████

Tell: ██████████

1/11/17

Dear Mr. Perkins

I respondent Edward Beyn respectfully asks that the Hearing Officer reconsider his Order relating to the Motion to Adjourn, at least as it relates to the case against me, based upon the incorrect assumption that of the 5 million documents produced by the Department of Enforcement, that only a small "sub set of documents" applies to me. It is absolutely impossible to know what supervisory documents exist that could add further support to my defense, and for the Hearing Officer to, respectfully, assume that the documents are neatly and logically found in 5 million documents is unreasonable.

It is a fact that the Department of Enforcement has not indicated that ANY of my former clients will be attending the hearing, and in fact there is a Motion to have client's of mine appear telephonically (which is being opposed)

Therefore, no prejudice can occur to witnesses, if the hearing as it relates to me is adjourned for 28 days. In addition, since I am not registered in the industry, the contention that the public interest "will be served by proceeding against me" is not supported especially contrasted with the prejudice of myself to not have an opportunity to review the mountain of documents produced after my counsel withdrew.

A hearing is meant to be fair given all circumstances taken into consideration, not just the readiness of the Department of Enforcement to proceed.

Sincerely,

Edward Beyn



██████████  
Dixhills, Ny ██████████

Tell: ██████████