

**BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C.**

In the Matter of the Application of
Ryan William Mummert
For Review of Action Taken by
FINRA
File No. 3-20210

**MR. MUMMERT’S PARTIALLY UNOPPOSED MOTION TO ADDUCE ADDITIONAL
EVIDENCE**

Applicant, Ryan Mummert, moves the Commission for leave to adduce additional evidence pursuant to SEC Rule of Practice 452. Through his Application, Mr. Mummert seeks Commission review of FINRA’s decision to deny of Mr. Mummert access to its arbitration forum to seek expungement of a customer dispute disclosure. FINRA’s decision to deny Mr. Mummert access to its arbitration forum came *two weeks after* the conclusion of the expungement hearing and closing of the record. Mr. Mummert now requests to introduce as additional evidence in this case the arbitration hearing transcript (the “Transcript”), attached as **Exhibit A**, and the arbitration hearing exhibit submission (the “Hearing Exhibits”), attached as **Exhibit B**.

FINRA has maintained in its own Motion to Adduce Additional Evidence filed on February 23, 2021 (“FINRA’s Motion”) that it denied forum to Mr. Mummert due to the existence of a previously issued arbitration award. The Transcript and Hearing Exhibits show that there was no prior award and rather only a settlement. The Commission should permit the introduction of this

evidence because it is material and there were reasonable grounds for failing to adduce the evidence previously.

Mr. Mummert's counsel has conferred with FINRA's counsel, and this motion is partially unopposed. FINRA's counsel does not oppose the introduction of the Hearing Exhibits into evidence.

I. FACTUAL BACKGROUND

Mr. Mummert previously worked as a registered broker with Prudential Securities Incorporated ("Prudential") from July of 1996 to August of 2000. (R. at 1).¹ While registered with Prudential, Mr. Mummert advised Mr. T and Ms. T², a mother and son (the "Customers"), regarding investments of their joint bank account. (R. at 3-4). In 1997, Mr. T, as a joint owner of the account, advised Mr. Mummert to sell a portion of their joint stocks. (R. at 4). Ms. T later alleged that the sale was not authorized. (*Id.*). Prudential found no evidence of wrongdoing after its investigation. (*Id.*). However, on February 23, 1998, the Customers filed a complaint with the New York Stock Exchange ("NYSE"), Case No. 1998-006968, alleging "mismanagement, failure to follow [*sic*] instructions, and unauthorized sale of [certain stocks]" and claiming damages of \$5,000 against Prudential and Mr. Mummert. (*Id.*). On June 4, 1998, Prudential, Mr. Mummert, and the Customers agreed upon a settlement whereby certain shares would be returned to the Customers, along with a cash sum as interest. (R. at 5). The arbitrator memorialized this settlement into what was labelled as an "award" document outlining the agreed upon terms. (*Id.*). Upon information and belief, the case never proceeded to a hearing on the merits and Mr. Mummert never had the opportunity to adequately defend against the allegations. *See*, Transcript at 20-23. Prudential returned the agreed-upon shares to the Customers and paid the total interest required

¹ "R. at ____" refers to the certified record filed on February 22, 2021.

² The customers' names have been abbreviated for privacy reasons. FINRA is aware of the customers' full names.

per the settlement. . (R. at 5). Mr. Mummert did not contribute anything to the settlement amount. (*Id.*). Even though the case was settled prior to an arbitration hearing, the occurrence was added as a disclosure to Mr. Mummert’s CRD and BrokerCheck records as an “award/judgment” (the “Disclosure”). (*Id.*). The Disclosure is readily accessible on Mr. Mummert’s BrokerCheck report, as well as a link to the settlement “award” document.

On April 21, 2020, Mr. Mummert filed a Statement of Claim with FINRA seeking expungement of the Disclosure, pursuant to FINRA Rule 2080 (FINRA Case Number 20-01275). (R. at 1-7). The Statement of Claim referenced the language of the arbitrator’s “award” and attached the document to the filing. (R. at 5). On April 22, 2020, FINRA accepted forum and served the named respondent – Prudential – with the Statement of Claim and service documents. On August 11, 2020, an Initial Pre-Hearing Conference (“IPHC”) was held where the Chairperson inquired about the “award” and whether Mr. Mummert would be able to submit the settlement agreement. On September 24, 2020, in response to the Chairperson’s inquiry at IPHC, and in response to the IPHC Order issued by the Chairperson, Mr. Mummert submitted a letter to the Chairperson indicating that after good faith efforts, all attempts to locate the settlement agreement had been unsuccessful. (R. at 25). On September 30, 2020, Mr. Mummert submitted to the FINRA DR Portal an updated BrokerCheck report, which references the “award/judgment” at issue and provides a link to the “award.” On December 8, 2020, Mr. Mummert submitted to the FINRA DR Portal the Hearing Exhibits, which again included the “award” at issue attached as “Exhibit 1”. FINRA forwarded the Hearing Exhibits to the Chairperson in advance of the hearing.

Finally, on December 10, 2020, the expungement case proceeded to a hearing on the merits. During the expungement hearing, Mr. Mummert’s counsel introduced the Hearing Exhibits that were previously sent to FINRA, including Exhibit 1 – the “award” at issue – into evidence. *See,*

Transcript at 26. Additionally, one of the Hearing Exhibits submitted contained “Exhibit 18,” which is an account statement showing the transaction from Prudential returning the shares in dispute, that references the transaction as a “ADJ ARBITRATION SETTLEMENT” payment at the bottom of the page. *See*, Hearing Exhibits at Mummert000050. Mr. Mummert also testified at the expungement hearing that, upon information and belief, the case was settled after mediation and that there was no arbitration proceeding. *See*, Transcript at 20-23.

On December 24, 2020, two weeks after the conclusion of the expungement hearing and closing of the record, FINRA notified Mr. Mummert that it was denying forum for arbitration because the expungement request allegedly involved a prior adverse arbitration award. (R. at 32).

On January 27, 2021, Mr. Mummert filed an application for review with the Commission, requesting that FINRA be ordered to allow Mr. Mummert access to its forum to arbitrate his expungement request. (R. at 37-41). FINRA filed a Motion to Adduce Additional Evidence on February 23, 2021, seeking to introduce two declarations into the record. FINRA has now put at issue the question of whether the underlying document was an arbitration award or a settlement. Mr. Mummert filed a Brief in Opposition to FINRA’s Motion to Adduce Additional Evidence on March 1, 2021. As of the date of this filing, the Commission has not yet ruled on FINRA’s Motion.

II. ARGUMENT

Pursuant to SEC Rule of Practice 452, the Commission may grant this Motion if Mr. Mummert shows that the evidence is material and there were reasonable grounds for failure to adduce such evidence previously. 17 CFR § 201.452. The Transcript and the Hearing Exhibits are both material and there were reasonable grounds for not adducing the evidence previously. Thus, both should be admitted into evidence.

The Hearing Exhibits are material because they tend to prove that FINRA was aware of the underlying “award” document prior to the hearing, contrary to its claim. (Ex. 1 “Declaration of Laura McNamire”, FINRA’s Motion, at 2). The Hearing Exhibits would also tend to prove Mr. Mummert’s assertion that the underlying “award” document was actually a settlement that had been mischaracterized on his records as an arbitration award. There were reasonable grounds not to adduce the Hearing Exhibits previously because Mr. Mummert is seeking to adduce the Hearing Exhibits in order to rebut FINRA’s argument that it denied forum due to an underlying arbitration award and that it was unaware of the underlying “award” document prior to the arbitration hearing. Further, this evidence has been available and accessible to FINRA since well before it denied forum, leading to this appeal. FINRA does not oppose the admission of the Hearing Exhibits as evidence. Therefore, the Commission should permit the Hearing Exhibits to be entered into as evidence.

The Transcript is also material because it includes testimonial evidence that tends to prove Mr. Mummert’s assertion that the underlying “award” document was actually a settlement. Mr. Mummert has first-hand knowledge of the underlying proceedings and has provided testimony that, upon information and belief, the underlying case resulted in a settlement, not a final award after an arbitration hearing. *See*, Transcript at 20-23. The Transcript also tends to prove that FINRA was aware of the underlying “award” document, as well as evidence proving that the underlying “award” document was a settlement, prior to the arbitration hearing – a fact which directly rebuts the evidence that FINRA moved to adduce in its own Motion. *See*, Ex. 1 “Declaration of Laura McNamire”, FINRA’s Motion. Like the Hearing Exhibits, the Transcript includes essential evidence that the Commission should consider in deciding the outcome of Mr. Mummert’s Application for Review.

There were reasonable grounds for not adducing the Transcript previously. Mr. Mummert is seeking to adduce the Transcript in order to rebut FINRA’s argument that it denied forum due to an underlying arbitration award and that it was unaware of the underlying “award” document prior to the arbitration hearing. This evidence was available and accessible to FINRA since before it denied forum, leading to this appeal. Further, the Transcript is a written recording of an arbitration hosted by FINRA’s own dispute resolution forum. Therefore, the Commission should permit the Transcript to be admitted as evidence.

In conclusion, the Hearing Exhibits and the Transcript are material and there were reasonable grounds for not previously introducing both sets of evidence. Mr. Mummert filed this Motion to Adduce promptly. Therefore, the Commission should grant Mr. Mummert’s Motion.

Dated: April 8, 2021.

Respectfully submitted,



Michael Bessette

Senior Attorney

T: (720) 432-6546

E: michael.bessette@hlbslaw.com

HLBS Law, LLC

9737 Wadsworth Pkwy, G-100

Westminster, CO 80021

CERTIFICATE OF SERVICE

I, James Bellamy, on April 8, 2021, caused a copy of Mr. Mummert's Partially Unopposed Motion to Adduce Additional Evidence, to be served by email on:

Vanessa A. Countryman, Secretary
Securities and Exchange Commission
100 F St., NE
Room 10915
Washington, DC 20549-1090
apfilings@sec.gov

Celia L. Passaro
Assistant General Counsel
FINRA
1735 K Street, N.W.
Washington, D.C. 20006
ersilia.passaro@finra.org

General Counsel
FINRA
1735 K Street, NW
Washington, DC 20006
Email: nac.casefilings@finra.org

Alan Lawhead
alan.lawhead@finra.org
nac.casefilings@finra.org
Office of General Counsel FINRA
1735 K Street, NW Washington, D.C. 20006

[X] (BY EMAIL) I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] (STATE) I certify (or declare) under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.

/s/James Bellamy
James Bellamy
9737 Wadsworth Pkwy Suite G-100
Westminster, CO 80021

EXHIBIT A

Telephonic Expungement Hearing of R. Mummert
December 10, 2020

Recording Name:
[2021-03-05 TEL Expungement Hearing - December 10, 2020

(R Mummert 20-01275)]

Transcript Prepared By:



720-287-3710
1780 S. Bellaire St.
Suite 400
Denver, CO 80222

DUNS Number: 037801851
CAGE Code: 6C7D5
Tax ID #: 27-2983097

1 Female: We are now ready to begin with the roll call. I have
2 chair, Ms. Laura Godolf (ph) on the line.

3 Godolf: I'm here.

4 Female: I have Michael Bessette on the line.

5 Bessette: Here.

6 Female: I have claimant Ryan Mummert on the line.

7 Mummert: Here.

8 Female: I have Ms. Jennifer Novoselsky (ph) on the line.

9 Novoselsky: Correct. Good morning.

10 Female: Thank you. I will now turn over the call to the
11 chairperson. Ms. Godolf, you may now begin.

12 Godolf: Morning, everybody. We're here for case number -- the
13 expungement case number 2001275, Ryan William NE
14 Mummert versus Prudential Equity Group, LLC. Today
15 is, uh -- December 10th, 2020. It is now 9:00. We
16 are ready to proceed. I have no additional
17 disclosures. I also, uh, have signed my oath. Does
18 the panel -- uh, does -- do the parties reconfirm me?

19 Bessette: For the claimant, yes. We confirm the panel. Thank
20 you.

21 Novoselsky: And for the respondent we confirm the panel as
22 well.

23 Godolf: Thank you so much. The way I like to start is always
24 to swear in the witness before I do anything else.

25 So, I'm going to ask you Mr. Mummert -- how do you

1 pronounce your name exactly?

2 Mummert: Mummert.

3 Godolf: Okay, Mummert. Okay. I'm going to ask you to hold up
4 your right hand. And do you solemnly swear or affirm
5 that the testimony you are about to give shall be the
6 truth, the whole truth, and nothing but the truth?

7 Mummert: Yes.

8 Godolf: Okay. Please state for the record your name and
9 address.

10 Mummert: Ryan Mummert. My address is [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

12 Godolf: Thank you, and your business affiliation?

13 Mummert: Uh, I work for Morgan Stanley.

14 Godolf: Okay, perfect. Anyhow with that being said, I'm going
15 to go straight to, uh -- uh -- Mr. Bessette, you
16 putting on your car. I just want to let everybody
17 know, though, that yesterday I received Exhibits, uh,
18 1 to 19 as part of the pleadings. I've already
19 accepted as -- as, uh -- statement of claim and the
20 response, uh -- initially, but now I've also received
21 Exhibits, uh, 1 to 19, so I'm adding them, and I'm
22 going to let you start, Mr. Bessette.

23 Bessette: Thank you. And, uh, preliminarily, I would like to
24 move to withdraw the \$1 damage request.

25 Godolf: Fine. Okay, I'll add that to my, uh, decision. Thank

1 you.

2 Bessette: Thank you, uh -- and if you don't mind, I will proceed
3 with a brief opening statement?

4 Godolf: Please.

5 Bessette: Mr. Mummert is here today requesting expungement of a
6 customer dispute disclosure published on his broker
7 check and CRD requests pursuant to FINRA Rule 2008,
8 and the evidence will show that the allegation made by
9 the underlying customer was false, clearly erroneous,
10 factually impossible, and/or that the continued
11 publication serves no investor protection or
12 regulatory value and should therefore be expunged. In
13 this -- excuse me, the dispute at issue here involved
14 the underlying customers David and Gloria Treadwell
15 (ph), who had a joint account with Mr. Mummert. David
16 was Gloria's adult son, and the account was set up for
17 the benefit of David, but provided both Gloria and
18 David authorization to make trades in the account
19 because David was frequently inaccessible for parts of
20 the year due to his employment. Although Mr. Mummert
21 initially met with both David and Gloria, after the
22 first couple of, uh -- initial consultations, Mr.
23 Mummert dealt mainly with David. Towards the end of
24 1997, uh -- David sought additional growth
25 opportunities in his portfolio, so Mr. Mummert

1 recommended selling one of his positions that he held
2 prior to, uh, working with Mr. Mummert, uh, the
3 Blackrock Municipal Bond Fund and to purchase a unit
4 investment trust or a UIT. After multiple discussions
5 with David, including reviewing all the terms,
6 conditions, and risks involved with the trade, David
7 authorized the sale of Blackrock and the purchase of
8 the UIT. Subsequently, Gloria called Mr. Mummert and
9 alleged that the sale of Blackrock was unauthorized.
10 These allegations were investigated by Prudential and
11 denied as having no merit. The Treadwells then filed
12 a complaint with the NYSE, and Prudential ultimately
13 made the decision to settle by reversing the trade.
14 The total cost to Prudential for the reversal and
15 settlement was a little over \$3,000 to which Mr.
16 Mummert was not required to contribute anything, and
17 although Mr. Mummert was found to have done nothing
18 wrong, due to FINRA's reporting requirements these
19 unsubstantiated allegations were published on Mr.
20 Mummert's CRD and broker check records. And the
21 purpose of the CRD and broker check systems are to
22 provide accurate and meaningful information to the
23 investing public, regulators, employers who rely on
24 this information for various reasons. And therefore,
25 it's critical that the integrity of these systems are



1 maintained so that it is not only reliable to those
2 who utilize it, but also fair to those whose
3 livelihoods are affected by it. Broker dealers are
4 compelled by law to report most allegations to FINRA
5 regardless of merit, but doing so creates a guilty
6 until proven innocent culture for brokers when it
7 comes to the CRD. And this is exactly why FINRA and
8 the SEC established Rule 2080, so that brokers have
9 the opportunity to remove meritless disclosures from
10 their record. And Mr. Mummert is here today asking
11 for you to exercise your authority in recommending
12 expungement of this disclosure from his record. Thank
13 you.

14 Godolf: Thank you. Do you have a, uh -- opening statement Ms.
15 Novoselsky?

16 Novoselsky: Uh, very briefly, thank you. Uh -- Prudential
17 would just like to reiterate, uh -- the position made
18 in its answering statement. While Prudential does not
19 take a position on the request for expungement itself,
20 we do note that the occurrence at issue here occurred
21 more than 20 years ago. Uh -- and that PEG ceased
22 operations and its FINRA registration in 2007. So,
23 that's going to be more than 12 years ago. As a
24 result of that, uh, TG (ph) is not able to provide
25 records or factual representations concerning the

1 conduct at issue in the underlying claim. Uh, while I
2 don't believe claimants have alleged any wrongdoing on
3 the part of Prudential Equity Group, to the extent
4 that's incorrect, Prudential of course denies any
5 allegations of wrongdoing. Uh, and that's -- I -- I
6 appreciate the withdrawal of the \$1 damage claim. Uh
7 -- beyond that, uh -- Prudential has no additional
8 statement.

9 Godolf: Thank you so much. Mr. Bessette -- Bessette, do you
10 want to call your witness?

11 Bessette: Yes, please, uh -- I'd like to call Ryan Mummert, who
12 has already been sworn in under oath. So, Mr.
13 Mummert, you've already stated your name and address
14 and where you are currently employed. What is your
15 current position and job title?

16 Mummert: Uh, I'm a wealth advisor and family wealth director,
17 uh -- for Morgan Stanley.

18 Bessette: And how long have you worked in the financial industry
19 in total?

20 Mummert: Uh, approaching 25 years.

21 Bessette: And what licenses do you currently hold?

22 Mummert: Uh -- Series 7, 63, 65, uh -- and insurance licenses.

23 Bessette: And over the years, uh -- well, approximately how many
24 clients would you say you've helped service -- a rough
25 estimate?

1 Mummert: Uh, hundreds. The current practice is, uh -- a little
2 over 400 clients, but, uh -- over the years I would
3 say it's, uh, several hundred, uh -- even more than
4 that.

5 Bessette: And have you received any awards in the industry?

6 Mummert: Uh, the past three years I've been recognized, uh --
7 by Forbes as best in state wealth advisor.

8 Bessette: And, uh -- we're here obviously discussing a
9 disclosure, uh -- from 1998. Other than that customer
10 dispute disclosure, have you ever had any other
11 customer disputes on your record?

12 Mummert: Uh -- it -- one -- one, uh -- from earlier this year
13 in April, uh -- which the firm, uh -- looked into and
14 denied.

15 Bessette: And so that claim was found to have no merit?

16 Mummert: Correct.

17 Bessette: So, let's jump into the occurrence here and for the
18 record, it's occurrence number 274378. Mr. Mummert,
19 who were the customers involved?

20 Mummert: Uh, David and Gloria Treadwell.

21 Bessette: And what's their relationship to each other?

22 Mummert: Uh, mother and son.

23 Bessette: And, uh -- so, they were your clients, correct?

24 Mummert: Correct.

25 Bessette: How did they become your clients?

1 Mummert: Uh, we had an advisor in late, uh -- '96, early '97
2 leave the firm, uh -- and I was assigned, uh -- with a
3 senior advisor, uh -- to, uh, manage the Treadwells'
4 accounts.

5 Bessette: And so, you began working with the Treadwells in early
6 1997, then?

7 Mummert: Correct.

8 Bessette: What broker dealer were you with at the time?

9 Mummert: Prudential Securities.

10 Bessette: And, uh -- did you deal with both Gloria and David?

11 Mummert: Uh, ye- -- initially, uh -- on meeting with -- we met
12 with both of them, uh -- Gloria also had, uh -- the --
13 her own accounts with her husband, uh -- that our --
14 the senior advisor that I was partnered with, uh --
15 dealt with primarily, uh -- but the initial -- the
16 initial meetings were with both, uh -- David and
17 Gloria.

18 Bessette: And, uh -- do you recall what age they, uh -- both
19 David and Gloria were at this time in 1997, roughly?

20 Mummert: Yeah, I be- -- roughly, I think Gloria was, uh -- mid
21 60s, from what I recall, and, uh -- David would have
22 been, uh, upper 30s or low 40s.

23 Bessette: And were David and Gloria employed then?

24 Mummert: Uh, Gloria, uh -- was not employed. Uh -- she was
25 retired, and, uh -- David, yes, was employed, uh -- he

1 worked a maritime job, which had him -- was a seasonal
2 -- seasonal job so he'd be working six months at a
3 time on -- on a boat.

4 Bessette: And during that time that he was working on a boat,
5 was he acceptable to you, uh -- to discuss financial
6 matters?

7 Mummert: No, he was not.

8 Bessette: Did they -- both Gloria and David -- have any prior
9 experience with investing before they began working
10 with you?

11 Mummert: Yeah, from what I re- -- yes, from what I remember,
12 they had been, uh, clients of the firm for I think
13 about 10 years.

14 Bessette: So, when you first began working with them in early
15 '97, did you review their investor profile?

16 Mummert: I did, uh -- uh -- the first meeting we went through
17 their profile and goals and objectives.

18 Bessette: And is that an in person meeting?

19 Mummert: It was. Met with -- met with them, uh -- at their
20 home.

21 Bessette: Did you review their existing portfolio that they had
22 established at that point?

23 Mummert: We did. We went through and discussed, uh -- the
24 positions that they held.

25 Bessette: And what type of account was it that they had?

1 Mummert: Uh -- the -- you know, standard brokerage account, uh
2 -- nondiscretionary, uh --

3 Bessette: And, uh -- what -- so, authorization was required
4 before any trades could be made in the account?

5 Mummert: Correct.

6 Bessette: And did that -- did they -- did the account require
7 verbal or written authorization?

8 Mummert: Uh, verbal. Just -- yeah, verbal.

9 Bessette: And did both Gloria and David have individual
10 authorization to make trades?

11 Mummert: They did. It was, uh -- the type of joint account it
12 was, uh -- they -- they were allowed to act, uh --
13 independently. The make of the account was really
14 for, uh, while David was away working and not
15 reachable for Gloria to be able to, uh, act on his
16 behalf.

17 Bessette: And so, the uh -- the purpose of the account was more
18 for David's benefit?

19 Mummert: It was, yes. That's how they explained it.

20 Bessette: What were the objectives and risk tolerance for this
21 account?

22 Mummert: As we discussed, uh -- the -- it was growth, uh --
23 with, uh, dividend interest income, uh -- and from
24 what I recall, the profile was account -- you know,
25 moderate growth was the risk factor based on his age.

1 Bessette: What -- and is this a long-term investment time
2 horizon?

3 Mummert: Yes.

4 Bessette: And from when you took over the account in early '97
5 and went over the investor profile with them, did they
6 -- did Gloria or David seek to change the objectives
7 or risk tolerance from what their account was, uh,
8 just prior with their prior, uh, advisor?

9 Mummert: No. No.

10 Bessette: So, generally they kept the account the same?

11 Mummert: Correct.

12 Bessette: So, what were they invested in, uh -- when you
13 inherited the account?

14 Mummert: Uh -- the investments, uh -- they had, uh -- a
15 utilities, uh -- dividend, uh -- fund. A Prudential
16 stock equity fund, uh -- uh -- an international fund,
17 uh, from Pilgrim, and then, uh -- the Blackrock, uh --
18 Municipal Term Trust.

19 Bessette: And the Blackrock Municipal Term Trust, that's the
20 disputed investment here, correct?

21 Mummert: It is.

22 Bessette: So, initially, uh -- when you first met with the
23 Treadwells, did you make any recommended changes at
24 that point?

25 Mummert: I did not. The initial meeting was really to get to

1 know them and understand what the purpose of the --
2 was for the account and their goals.

3 Bessette: Did you ever make any recommended changes in their
4 account?

5 Mummert: Uh, not until, uh -- later that year, I did make a re-
6 -- a re- -- recommended change.

7 Bessette: And what was that recommended change?

8 Mummert: Uh -- the Dow Jones, uh, low five, uh -- unit
9 investment trust, uh -- it was a stock trust at the
10 time that picked five, uh -- five of the lowest
11 performing Dow stocks from the prior year and then, uh
12 -- bought them and held them for 13 months.

13 Bessette: Why did you recommend that particular unit investment
14 trust?

15 Mummert: Yeah, as -- as David and I had -- had a few
16 discussions throughout the year, uh -- he was wanting
17 a bit more growth, still liked the idea of having
18 interest and dividends, uh -- from the account, uh --
19 so as we went through and -- and discussed, uh --
20 potential changes, uh -- we decided to sell the
21 Blackrock, uh -- Municipal Term Trust and purchase,
22 uh, the unit trust.

23 Bessette: So, how many meetings or discussions would you say you
24 had with David regarding the transaction to sell
25 Blackrock and purchase the ini- -- unit investment

1 trust?

2 Mummert: Yeah, we had two -- two different discussions. A
3 preliminary discussion, and then, uh -- followed up
4 with when we ultimately made the decision to do the
5 trade.

6 Bessette: And was, uh -- David or Gloria provided with any
7 written disclosures regarding this trade?

8 Mummert: Yeah. We sent, uh -- sent the prospectus, uh -- and
9 we had gone over kind of a one page, uh, information
10 sheet as well.

11 Bessette: And so, why did you recommend the sale of the
12 Blackrock?

13 Mummert: Yeah, we picked Blackrock, uh -- with it being tax
14 free in nature and fixed income, uh -- as we talked
15 about, you know, allowing for a bit more growth, that
16 -- that was the discussed investment to sell. Uh --
17 the other factor was with his income, the tax free
18 nature of the investment wasn't really giving him, uh
19 -- much, uh -- benefit.

20 Bessette: So, with the sale of Blackrock and the purchase of the
21 unit investment trust, did that alter David's, uh,
22 objectives or risk tolerance in the portfolio?

23 Mummert: No, we -- in discussing it, uh -- I felt that it was
24 in line with -- with, uh -- the goals and objectives
25 that we talked about.

1 Bessette: And so, just to be clear, uh -- it -- the allegation
2 on your broker check and CRD record references the
3 sale of Blackrock. Uh -- did the Treadwells ever
4 dispute or have any issue with the purchase of the
5 unit investment trust?

6 Mummert: Not -- not the purchase itself, no.

7 Bessette: So, the dispute here solely related to the sale of
8 Blackrock, correct?

9 Mummert: Correct.

10 Bessette: Was this transaction suitable for the Treadwells?

11 Mummert: It was.

12 Bessette: And there's no allegation made by the Treadwells that
13 this was unsuitable, correct?

14 Mummert: That's correct.

15 Bessette: So, did you review this, uh -- trade -- the sale of
16 Blackrock and the purchase of the unit investment
17 trust -- did you review that with Gloria?

18 Mummert: Uh, not until after the trade, uh -- the discussions
19 were with David to make the trade. She called me
20 after the fact.

21 Bessette: So, before the trade was made, uh -- was it unusual
22 that you would have a discussion or trade decision not
23 involving Gloria?

24 Mummert: No. After the, uh -- preliminary meeting at the home,
25 the discussions then were separated to, uh --

1 discussing David's account with David.

2 Bessette: And so, did David authorize the sale of the Blackrock
3 positions and the purchase of the unit investment
4 trust?

5 Mummert: He did. We discussed them on the phone and he
6 authorized the trades.

7 Bessette: To your knowledge, was anyone else present during that
8 conversation where, uh -- David authorized this trade?

9 Mummert: No, it was just he and I on the phone.

10 Bessette: And so, when did this trade, uh -- occur?

11 Mummert: Uh, it was December of '97.

12 Bessette: Both the sale of Blackrock and the purchase of the
13 unit investment trust?

14 Mummert: Uh, actually, we sold, uh -- Blackrock, uh -- on
15 December 24th and the purchase of the unit trust was a
16 few days later on the 26th.

17 Bessette: And, uh -- was -- were the proceeds from the sale of
18 Blackrock used to purchase the unit investment trust
19 investment?

20 Mummert: That's -- that's correct. Yeah, it -- uh -- the
21 entire amount.

22 Bessette: So, it was an even exchange? All the sale proceeds
23 went to the purchase?

24 Mummert: That's right.

25 Bessette: Were the Treadwells provided with, uh -- trade

1 confirmations regarding this transaction?

2 Mummert: They were.

3 Bessette: What about, uh -- monthly statements?

4 Mummert: Yes. Yeah. Statements were automatically sent out
5 monthly.

6 Bessette: So, after the trade was made, at -- at -- in December
7 of 20- -- uh -- excuse me, 1997, when did you speak
8 with either David or Gloria next?

9 Mummert: Uh -- Gloria called me, uh -- within the first couple
10 weeks of January, uh -- questioning the trade.

11 Bessette: And what do you mean questioning? What was -- what
12 was the issue?

13 Mummert: Uh -- she -- she said, uh -- that she'd gotten the
14 confirmation, uh -- or the statements to -- that said
15 Bla- -- the Blackrock Municipal Trust, uh -- had been
16 sold, uh -- in discussions with her, I'd told her
17 that, you know, David and I had talked right before,
18 uh -- Christmas and decided to make the change, uh --
19 her comment on the phone was there -- there must be a
20 mistake.

21 Bessette: During that conversation with Gloria, was David
22 present?

23 Mummert: He was not.

24 Bessette: Did you ask to speak with David?

25 Mummert: I did. I -- I -- I asked if he was around and could

1 get on the phone so the three of us could talk, uh --
2 and her response was that he was recovering, uh --
3 from, uh -- a medical procedure and couldn't come to
4 the phone.

5 Bessette: Do -- are you aware of what type of medical procedure
6 it was?

7 Mummert: Uh -- I vaguely re- -- I -- I recall it being minor
8 and again, a lot of time has passed. I -- I want to
9 say it was like [REDACTED] [REDACTED]

10

11 Bessette: And so, after the call with Gloria, what happened?

12 Mummert: Uh -- I -- I'd asked to get the three of us on the
13 phone, uh -- she said that, you know, she'd be talking
14 to David, and then, uh -- they would call back, uh --
15 so as a number of days passed, and they called, uh --
16 called together on the phone. And at that point in
17 discussions with both of them, David then said that he
18 didn't authorize the sale of the investment.

19 Bessette: And so what did you do after that?

20 Mummert: I -- I let our office manager know, uh, about the --
21 the dispute. Reported it.

22 Bessette: And so, initially the Treadwells' complaint was
23 verbal. Is that correct?

24 Mummert: That's correct.

25 Bessette: And to your knowledge, was the complaint investigated

1 by Prudential?

2 Mummert: Uh, internally, yes, it was. I -- management
3 questioned me and -- and had me go through, uh, what
4 had happened.

5 Bessette: What was to your knowledge, the outcome of
6 Prudential's investigation. What did they determine?

7 Mummert: They said that there wasn't any, uh -- merit and I had
8 followed instructions.

9 Bessette: At this point in time, did the, uh -- did Prudential -
10 - well, let me retract that. Uh -- so what happened
11 after that?

12 Mummert: Uh, i- -- within, uh -- a period of time, uh -- I was
13 instructed to sell out of the unit trust and very
14 shortly after, they began to move the accounts
15 elsewhere.

16 Bessette: So, around that time period, you stopped working with
17 the Treadwells?

18 Mummert: Correct.

19 Bessette: And then, uh -- according to your CRD and broker check
20 record disclosure, uh -- it looks like February 23rd,
21 '98, the Treadwells filed a complaint with the NYSE.
22 Correct?

23 Mummert: Yes.

24 Bessette: And who was named in that complaint?

25 Mummert: Uh, myself and the firm.

1 Bessette: And according to your dis- -- CRD disclosure, it says
2 the allegations were mismanagement, failure to follow
3 instructions, and unauthorized sale of Blackrock
4 Insured Municipal 2008 Term Trust Inc.?

5 Mummert: Correct.

6 Bessette: So, were these -- was this allegation all related to
7 the sale of Blackrock?

8 Mummert: It was.

9 Bessette: To your knowledge, was there any allegations beyond
10 the dispute of the sale of Blackrock?

11 Mummert: No.

12 Bessette: Do you recall what remedy the Treadwells were
13 requesting?

14 Mummert: Uh -- they wanted, uh -- basically reversal, uh -- of
15 the trade and to be made whole on the difference.

16 Bessette: And this -- according to your CRD record, amounted to,
17 uh -- no more than \$5,000 in damages, correct?

18 Mummert: Correct.

19 Bessette: So, once the complaint was filed with the NYSE, did
20 you respond to the allegations? Did you deny them?

21 Mummert: Uh, yeah, it -- it -- yes.

22 Bessette: Were you represented by a lawyer for this, uh --
23 action?

24 Mummert: Uh, internal counsel to the firm, uh -- was consulted.

25 Bessette: So, you didn't have your own independent lawyer?

1 Mummert: I did not.

2 Bessette: And so, how did the case proceed? What -- uh -- what
3 eventually happened?

4 Mummert: Uh -- after the initial kind of fact finding with the
5 internal counsel, uh -- there was a meeting held in my
6 branch manager's office, uh -- with a representative,
7 and, uh -- branch manager -- I think my -- uh -- the,
8 uh, counsel was, uh -- present, and we went through
9 the allegation.

10 Bessette: And this meeting or proceeding that you're describing,
11 do -- uh -- do you know what the term was for it?
12 Like, did it have a term?

13 Mummert: Uh, I believe it was a mediation.

14 Bessette: And so, uh -- what occurred at the mediation? Can you
15 just -- without going into the details of the facts
16 just kind of describe what the process was like?

17 Bessette: Sure, uh -- basically went through, uh -- the -- the
18 claim, uh -- asked questions about the claim very much
19 similar to what, uh -- to what we're doing here, just
20 asking kind of what happened, uh, in the timeframe.
21 So, just getting -- getting the information of what
22 happened around the trade.

23 Bessette: Who was physically present in the room with you?

24 Mummert: Uh, I believe it was my branch manager, uh -- internal
25 counsel, and the -- the rep -- the mediator.

1 Godolf: I'm going to interrupt up one se- --

2 Besette: Were the Trea- --

3 Godolf: Uh, can I interrupt one thing? Were the, uh -- were
4 the customers involved, too?

5 Mummert: I'm sorry?

6 Godolf: What -- were the customers involved?

7 Mummert: They were not in the room, no.

8 Godolf: Okay. Sorry, Mr. Besette, go ahead.

9 Besette: Oh, no problem. Uh -- so, Mr. Mummert, you said they
10 were not in the room. Are -- so, are you aware of
11 whether the Treadwells participated in this mediation
12 effort in any capacity?

13 Mummert: I don't -- I don't know that for certain, uh -- it
14 wasn't, uh -- it was done at our branch office. I
15 know that -- I mean, the Treadwells were not on
16 premise at all. It was -- it was done in the branch
17 manager's office.

18 Besette: Do you know if they were in a separate room, or on the
19 phone, uh -- or do you just not recall?

20 Mummert: Uh -- they were not -- like I said, they were not in
21 our branch, uh -- location. And I do not recall them
22 having any involvement in the conversation that we
23 were having at that time.

24 Besette: So, during this, uh -- mediation, did you -- it sounds
25 like you had no opportunity to cross-examine the

1 Treadwells. Is that accurate?

2 Mummert: That is correct.

3 Besette: Were you -- did -- did you ever -- or were you ever
4 sworn under oath to present testimony?

5 Mummert: No.

6 Besette: Did the Treadwells -- so -- so I'm assuming that the
7 Treadwells or their lawyer never questioned you
8 directly either, is that correct?

9 Mummert: That's correct.

10 Besette: To your knowledge, have you participated in a
11 mediation other than this occurrence you're describing
12 now?

13 Mummert: Uh, a mediation like that, no. Uh, I have been a
14 witness to an arbitration in the past.

15 Besette: And so how -- can you describe the arbitration
16 proceeding?

17 Mummert: Yeah, it was, uh -- between a former advisor of
18 Prudential and Prudential and I was called -- along
19 with some other, I think advisors as, uh -- some
20 witness testimony. Uh, it was at a -- uh -- neutral -
21 - I'll say a -- well, it was not at the office, it was
22 a separate facility, uh -- I recall sitting in there
23 and seeing, uh -- the advisor -- his counsel, uh --
24 Prudential, and their counsel, uh -- I was brought in,
25 sworn in very much like the start of today, asked some

1 questions, and, uh -- by both, uh -- both counsels, uh
2 -- and then left the -- left the room.

3 Bessette: And so, that proceeding that you just described -- you
4 said that was an arbitration, correct?

5 Mummert: Correct.

6 Bessette: And the proceeding that you've had with the Treadwells
7 that you described as a mediation, that was a
8 different type of proceeding than the arbitration that
9 you just described?

10 Mummert: Yes.

11 Bessette: Were there any additional hearings or proceedings that
12 you recall after this mediation regarding the
13 Treadwells case?

14 Mummert: No.

15 Bessette: And so, how -- well, how did this case conclude?

16 Mummert: Uh -- the firm made the decision to revert -- you
17 know, reverse the trade, make them whole, uh -- and
18 get them the Blackrock position back.

19 Bessette: And you indicated that the firm agreed to do this. Is
20 -- are you describing a settlement?

21 Mummert: Yes.

22 Bessette: And according to your broker check record, uh -- hang
23 on one second. It says, in -- on broker check damages
24 re- -- or granted, \$3,180.59. What is your
25 understanding of what that value is?

1 Mummert: That was the, uh -- basically the total, uh -- cost of
2 repurchasing the shares of Blackrock.

3 Bessette: And so, was that the -- that's the cost to Prudential
4 in making the trade reversal?

5 Mummert: Correct.

6 Bessette: Were you required to pay anything or make any
7 contribution to this settlement amount?

8 Mummert: No, I was not.

9 Bessette: Do you have the original or a copy of the settlement
10 agreement?

11 Mummert: I do not.

12 Bessette: Why not?

13 Mummert: I don't believe it was provided to me.

14 Bessette: Do you ever recall signing a settlement agreement?

15 Mummert: I don't actually recall.

16 Bessette: So, I'm going to have you take a look at Exhibit
17 Number 1, please.

18 Mummert: Yes.

19 Bessette: Now, this is the document that -- if you go on your
20 public -- publicly accessible broker check report, uh
21 -- there's a link at the bottom that says arbitration
22 details, classifying this as an award/judgment. And
23 it brings you to this document. Uh -- based on what
24 we're describing, is this to your knowledge an
25 arbitration award or judgment?

1 Mummert: Uh, I mean, the -- looking at the form, uh -- under
2 the award data there's no information. If you clarify
3 the question?

4 Besette: Sure. So, yeah, under the award data section, there's
5 a section that says award, and usually specifies an
6 amount of damages that are awarded. Is there an
7 amount of damages awarded there?

8 Mummert: No, there's not.

9 Besette: And if I can have you scroll down to Exhibit Number
10 18, please? And actually --

11 Mummert: Yes?

12 Besette: -- uh -- let's just briefly get into the other
13 exhibits. So, Exhibits 2 through, uh, 19, uh -- what
14 are these exhibits?

15 Mummert: Uh, the client statements for the Treadwells.

16 Besette: Their account statements?

17 Mummert: Yeah, it's, uh -- the -- the -- David's account
18 statement. Yeah.

19 Besette: Okay, and then Exhibit Number 18, what is this
20 exhibit?

21 Mummert: Uh -- let me just scroll. Uh -- so, in the activity
22 portion, uh -- it's recorded, uh -- the shares of
23 Blackrock. 189 shares of the Blackrock Trust, uh --
24 that was delivered into their account.

25 Besette: And so this was the settlement amount essentially?

1 Mummert: That's right.

2 Besette: And under that section on Exhibit Number 18, uh --
3 under where you're describing it says account activity
4 and it says Blackrock INST (ph), uh -- the 189 shares
5 received on August 27th.

6 Mummert: That's right.

7 Besette: Immediately below that, what does it state?

8 Mummert: Yeah, it's got a -- uh -- arbitration settlement is
9 what it says under, uh -- attached to the trade.

10 Besette: Okay, so it doesn't say arbitration award, it says
11 settlement, correct?

12 Mummert: It does. That's correct.

13 Besette: And Madam Chair, I'd like to move to admit Exhibits 1
14 through 19 into evidence, please.

15 Godolf: Uh, admitted.

16 Besette: Thank you. So, Mr. Mummert, uh -- were you ever found
17 to have done anything wrong here?

18 Mummert: No. Not by my firm, no.

19 Besette: Were you found to have done anything wrong by anyone
20 or any agency?

21 Mummert: No.

22 Besette: Are the allegations on your broker check and CRD
23 record by the Treadwells false?

24 Mummert: Yes.

25 Besette: Are they clearly erroneous?

1 Mummert: Yes.

2 Bessette: And are they factually impossible?

3 Mummert: Yes.

4 Bessette: Have you ever sought expungement of this occurrence
5 before?

6 Mummert: I have not.

7 Bessette: And, uh -- as been -- has been brought up, this
8 obviously took place quite some time ago. Why have
9 you waited until recently to seek expungement?

10 Mummert: Yeah, when, uh -- when the settlement happened, uh --
11 I was told that you know, it's under the \$5,000 mark
12 so these types of things don't show up on your broker
13 check, uh -- obviously a good length of time later,
14 those rules have changed, uh -- and now they, you
15 know, not only show up on your broker check, but also,
16 uh -- with the Form 80V (ph) now that the firms have
17 to send out every year, that also is included.

18 Bessette: So, at one point in time, this wasn't published on
19 your publicly available broker check record?

20 Mummert: That's correct.

21 Bessette: But it has since been published, correct?

22 Mummert: That's right.

23 Bessette: Pursuant to FINRA rules?

24 Mummert: Correct.

25 Bessette: And have you suffered any harm as a result of having

1 this disclosure on your record?

2 Mummert: You know, I feel like I -- I have. Uh -- at certainly
3 -- one more recent, uh -- event we were, uh -- we were
4 competing for some, uh, small institutional business,
5 and the broker check was brought up, uh -- in the
6 course of -- of, uh -- the presentation. And I do
7 feel that that -- that definitely put us in a negative
8 light, uh -- in the presentation.

9 Bessette: Has this had any other harm on, uh -- y- -- uh -- that
10 you can think of?

11 Mummert: That's a great question, uh -- you know, part of it
12 because it's just on broker check, uh -- can be pulled
13 up. You know, the ADV can be sent to clients, uh --
14 perhaps, uh -- people have looked online, seen that,
15 and chosen not to, you know, pursue, uh -- business
16 with our group.

17 Bessette: Have you suffered any reputational harm?

18 Mummert: Uh, I think in the -- in the instance of -- of this,
19 uh -- institutional, uh -- pitch in the last -- in the
20 last few months, I would say yes. I don't -- I don't
21 think that that helped, uh -- past that, with how the
22 -- how these things are posted, I -- I couldn't really
23 -- I couldn't tell for -- I couldn't say for sure, uh
24 -- if -- if I was or wasn't.

25 Bessette: Do you believe if this disclosure is not removed from

1 your record that you'll continue to suffer harm?

2 Mummert: I believe so. Yes.

3 Bessette: Thank you, uh -- I have no further questions at this
4 time.

5 Godolf: Thank you so much, and I have no questions except
6 that, uh -- Mr. Mumm- -- Mummert, that, uh -- through
7 -- because -- through your testimony, you were saying
8 that you can, uh -- you could not locate the original
9 settlement agreement through today's testimony. Uh,
10 the question is you're saying that you cannot -- could
11 not locate the original settlement agreement, uh --
12 because you didn't sign it and you could not locate
13 this. Yes?

14 Mummert: Correct.

15 Godolf: Okay, thank you. That's the only question I have.
16 And, uh -- Ms. Novoselsky?

17 Novoselsky: No questions.

18 Godolf: Okay. So, we can pre- -- uh -- uh -- basically, do
19 you want to do closing arguments, uh -- or do you want
20 to -- uh -- what would you like to do, Mr. Bessette?
21 Do you have a closing argument?

22 Bessette: Uh, briefly, yes, please.

23 Godolf: Okay.

24 Bessette: FINRA arbitrators have the authority to recommend
25 expungement for any reason, but pursuant to FINRA Rule

1 2080(b)(1), uh -- if there are findings that the
2 allegations by the underlying customer are false,
3 clearly erroneous, factually impossible, or that the
4 broker was not involved with the alleged sale practice
5 violation, FINRA may waive the obligation to name them
6 in confirmation of an award (ph) in court.

7 Additionally, pursuant to FINRA Rule 2080(b)(2), if
8 there are any findings that expungement release is
9 meritorious, and the expungement would have no
10 material effect -- or excuse me, uh -- material
11 adverse effect on investor protection, the integrity
12 of the CRD system or regulatory requirements, FINRA
13 may also waive the obligation and name them the award
14 conformation stage. And here, expungement is
15 warranted not only because the underlying claim is
16 false, clearly erroneous, and/or factually impossible,
17 but also because there is no investor protection or
18 regulatory value in the continued publication of this
19 disclosure on Mr. Mummert's record. Uh, the evidence
20 has established that this trade was clearly authorized
21 by David, who had authority and power to, uh --
22 authorize trades in his account. Mr. Mummert
23 testified under oath that he had multiple discussions
24 with David about selling Blackrock in order to
25 purchase the unit investment trust and satisfy the



1 objective of providing additional growth, and that
2 David did in fact give his express authorization. The
3 fact that Gloria may have had subsequent buyer's
4 remorse for whatever reason does not negate the fact
5 that it was authorized by David and there was no sales
6 practice violation here. Gloria's authorization was
7 not required, and as Mr. Mummert testified, uh -- he
8 frequently had conversations with just David and David
9 was authorized individually to provide a trade to the
10 account. Treadwells were also provided with trade
11 confirmations, statements, and interestingly, the
12 Treadwells never complained about the purchase of the
13 unit investment trust, which was purchased with the
14 proceeds of the sale of Blackrock. Instead they only
15 disputed the sale of Blackrock. Prudential
16 investigated this complaint, found it had no merit,
17 found that it was authorized, and at least initially
18 refused to reverse the trade as requested, but when
19 Treadwells filed the complaint with the NYSE,
20 Prudential made the business decision to settle and
21 reverse the trade. Total cost was, uh -- just over
22 \$3,000. Mr. Mummert was not required to contribute to
23 the settlement amount and was never found to have done
24 anything wrong. Uh -- we also have the fact here that
25 this complaint is erroneously mischaracterized on

1 broker check by FINRA as an award judgment, uh -- even
2 though this was a settlement. The standard for
3 expungement has been satisfied here on multiple
4 levels, and therefore we are respectfully requesting
5 an award recommending expungement of all references to
6 this occurrence from Mr. Mummert's broker check and
7 CRD records. Thank you.

8 Godolf: Thank you. And, uh -- do you have, uh -- either you
9 or Ms. Novoselsky have any other issues or objections
10 to, uh -- or, uh -- can we end the hearing now?

11 Novoselsky: Nothing additional for respondents.

12 Bessette: For -- nothing additional from claimant. Thank you
13 for your time.

14 Godolf: Thank you for your time. And thank you, Mr. Mummert,
15 for your time. Uh -- I'll --

16 Mummert: Thank you, Madam Chair.

17 Godolf: -- o- -- okay, thank you so much. Goodbye.

18 Novoselsky: Thank you. Bye-bye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIBER'S CERTIFICATE

I, Taylor Normington, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, Pages 1 through 32, was reduced to typewritten form from the digital recording; and that the foregoing is an accurate record of the recording as above transcribed in this matter.

DATED this 19th day of March, 2021.

Taylor Normington

Taylor Normington
Transcription Outsourcing, LLC
1780 S. Bellaire St.
Suite 400
Denver, CO 80222
Tel: 720-287-3710
Fax: 720-952-9897

DUNS Number: 037801851
CAGE Code: 6C7D5
Tax ID #: 27-2983097



EXHIBIT B

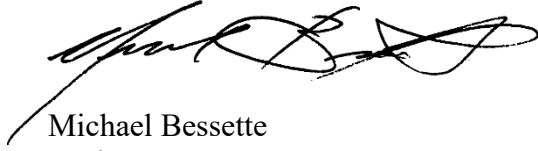
FINANCIAL INDUSTRY REGULATORY AUTHORITY DISPUTE RESOLUTION	
In the Matter of the Arbitration Between: Claimant: Ryan William Ne Mummert v. Respondent: Prudential Equity Group, LLC	CASE NO. 20-01275
SUBMISSION OF EXPUNGEMENT HEARING EXHIBITS	

PLEASE TAKE NOTICE THAT Michael Besette, Counsel for Claimant at HLBS Law, hereby respectfully submits the following additional documentation in the aforementioned case:

- Exhibit 01** – 1998-06-04 Order on Settlement
- Exhibit 02** – 1997-01-01 Through 01-31 Monthly Account Statement
- Exhibit 03** – 1997-02-01 Through 02-28 Monthly Account Statement
- Exhibit 04** – 1997-03-01 Through 03-31 Monthly Account Statement
- Exhibit 05** – 1997-04-01 Through 04-30 Monthly Account Statement
- Exhibit 06** – 1997-05-01 Through 05-31 Monthly Account Statement
- Exhibit 07** – 1997-06-01 Through 06-30 Monthly Account Statement
- Exhibit 08** – 1997-07-01 Through 07-31 Monthly Account Statement
- Exhibit 09** – 1997-08-01 Through 08-31 Monthly Account Statement
- Exhibit 10** – 1997-09-01 Through 09-30 Monthly Account Statement
- Exhibit 11** – 1997-10-01 Through 10-31 Monthly Account Statement
- Exhibit 12** – 1997-11-01 Through 11-30 Monthly Account Statement
- Exhibit 13** – 1997-12-01 Through 12-31 Monthly Account Statement
- Exhibit 14** – 1998-01-01 Through 01-31 Monthly Account Statement
- Exhibit 15** – 1998-02-01 Through 02-28 Monthly Account Statement
- Exhibit 16** – 1998-03-01 Through 03-31 Monthly Account Statement
- Exhibit 17** – 1998-04-01 Through 04-30 Monthly Account Statement
- Exhibit 18** – 1998-05-01 Through 08-31 Monthly Account Statement
- Exhibit 19** – 1998-09-01 Through 09-30 Monthly Account Statement

DATED this 8th day of December, 2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Bessette", with a long horizontal flourish extending to the left.

Michael Bessette

Senior Attorney

HLBS Law

T: (720) 432-6546

E: Legal.bessette@hlbslaw.com

9737 Wadsworth Parkway, Suite G-100

Westminster, CO 80021

EXHIBIT 1



**New York Stock Exchange
In the Matter of Arbitration Between**

NYSE

Case: David M. Treadwell & Gloria Treadwell v. Prudential Securities, Inc. & Ryan Mummert

Attorneys:

For Claimant(s):

David M. Treadwell - Albuquerque, NM

For Respondent(s):

Jeffrey Cohen Esq. - New York, NY

Date Filed: 02/23/1998

First Scheduled: 06/04/1998

Decided: 06/04/1998

Case Summary: Customer claimant alleges mismanagement, failure to follow instructions and unauthorized sale of Blackrock Insured Municipal 2008 Term Trust Inc.

Product: OTHER

Market:

Claim Data

Claim: \$5,000.00

Punitive: \$0.00

Atty Fees: \$0.00

Deposit: \$75.00

Award Data

Award: Uns

Punitive: \$0.00

Atty Fees: \$0.00

Costs: \$0.00

Forum Fees: \$75.00

Decision: The undersigned arbitrators have decided and determined in full and final settlement of all claims between the parties that: Respondents, jointly and severally, are liable to claimant as follows:

Respondents shall deliver to Claimant 189 shares of Blackrock Insured Municipal 2008 Term Trust Incorporated ("Blackrock"), plus a sum in cash equal to .441 times the value of one share of Blackrock on the date the 189 shares are acquired by Respondents (or the date of delivery to Claimants if the shares are delivered from inventory shares) and an additional \$185 for lost earnings on the investment; furthermore, that the costs of this hearing, \$75 are assessed against the Claimants.

Remarks: Small Claim on Papers.

Arbitrators: (D = Dissents)

Barry H. Barnett

Signatures:

City: Albuquerque

State: NM

Date: 06/04/1998

Docket #: 1998-006968

Sessions:

Hearing Dates:

EXHIBIT 2

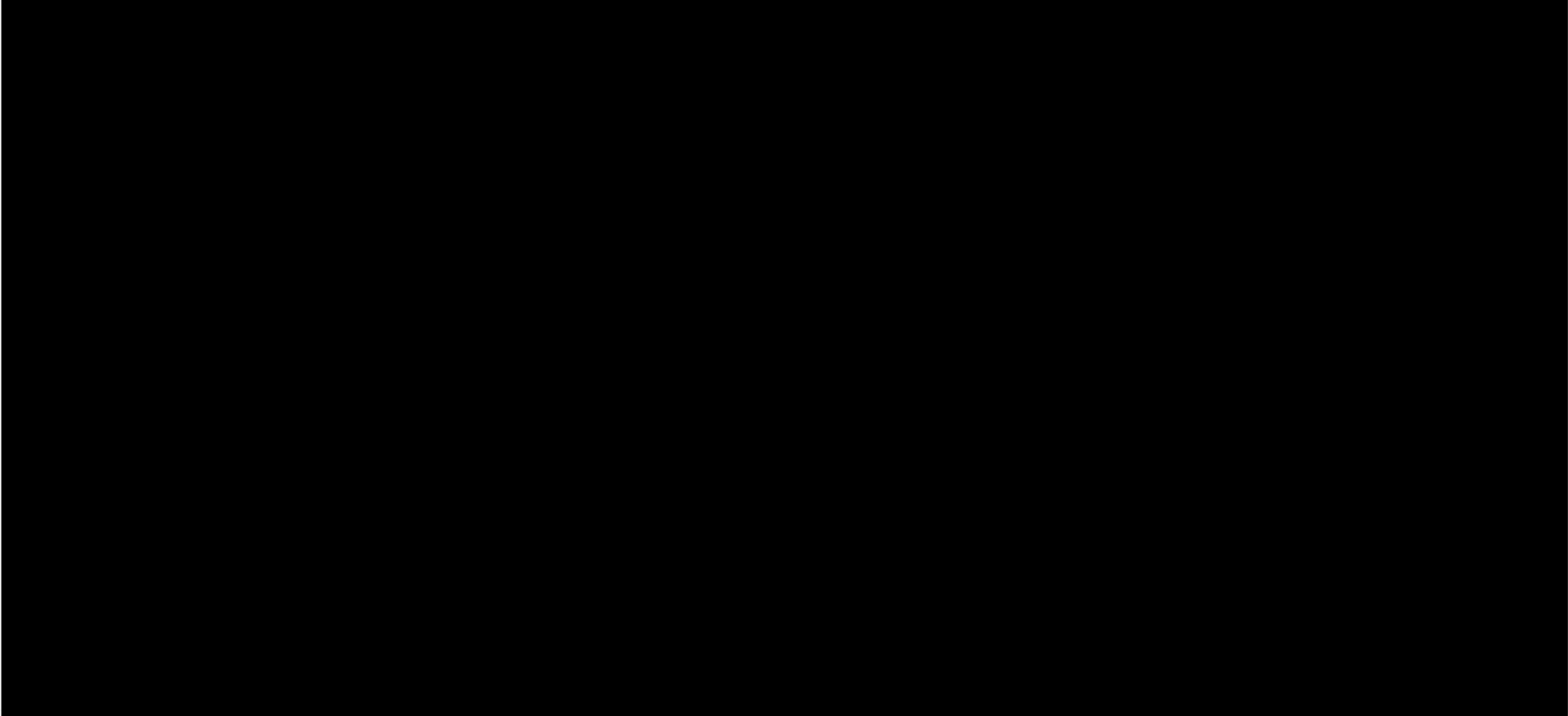


EXHIBIT 3

EXHIBIT 4

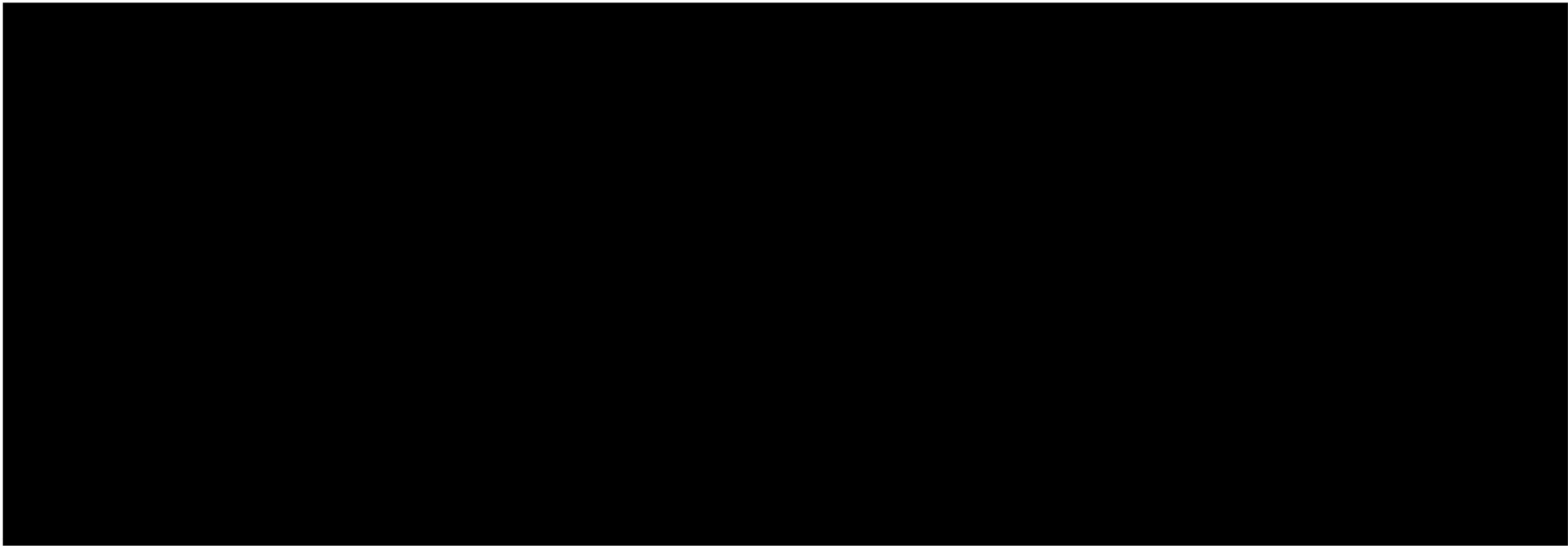


EXHIBIT 5

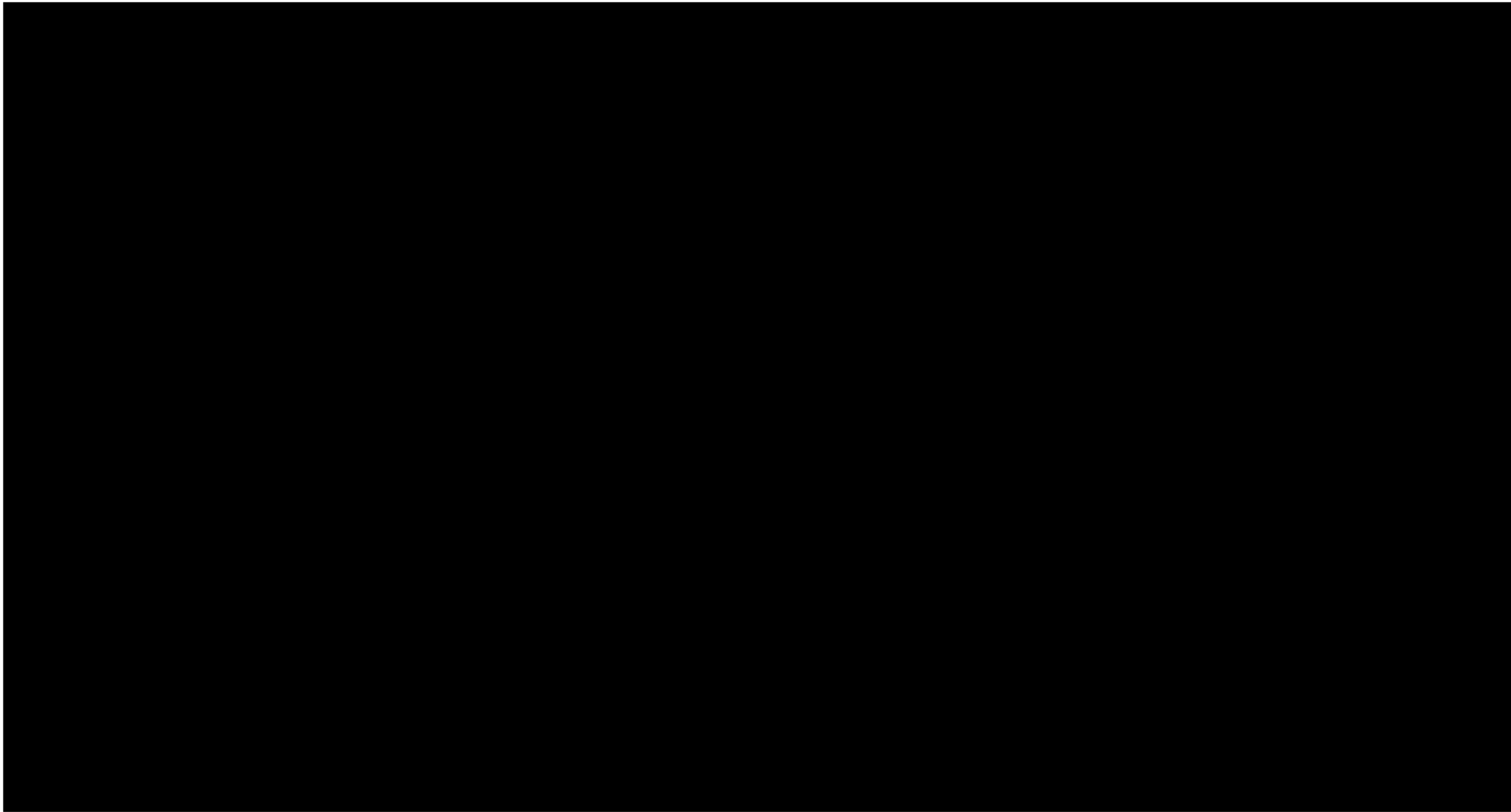
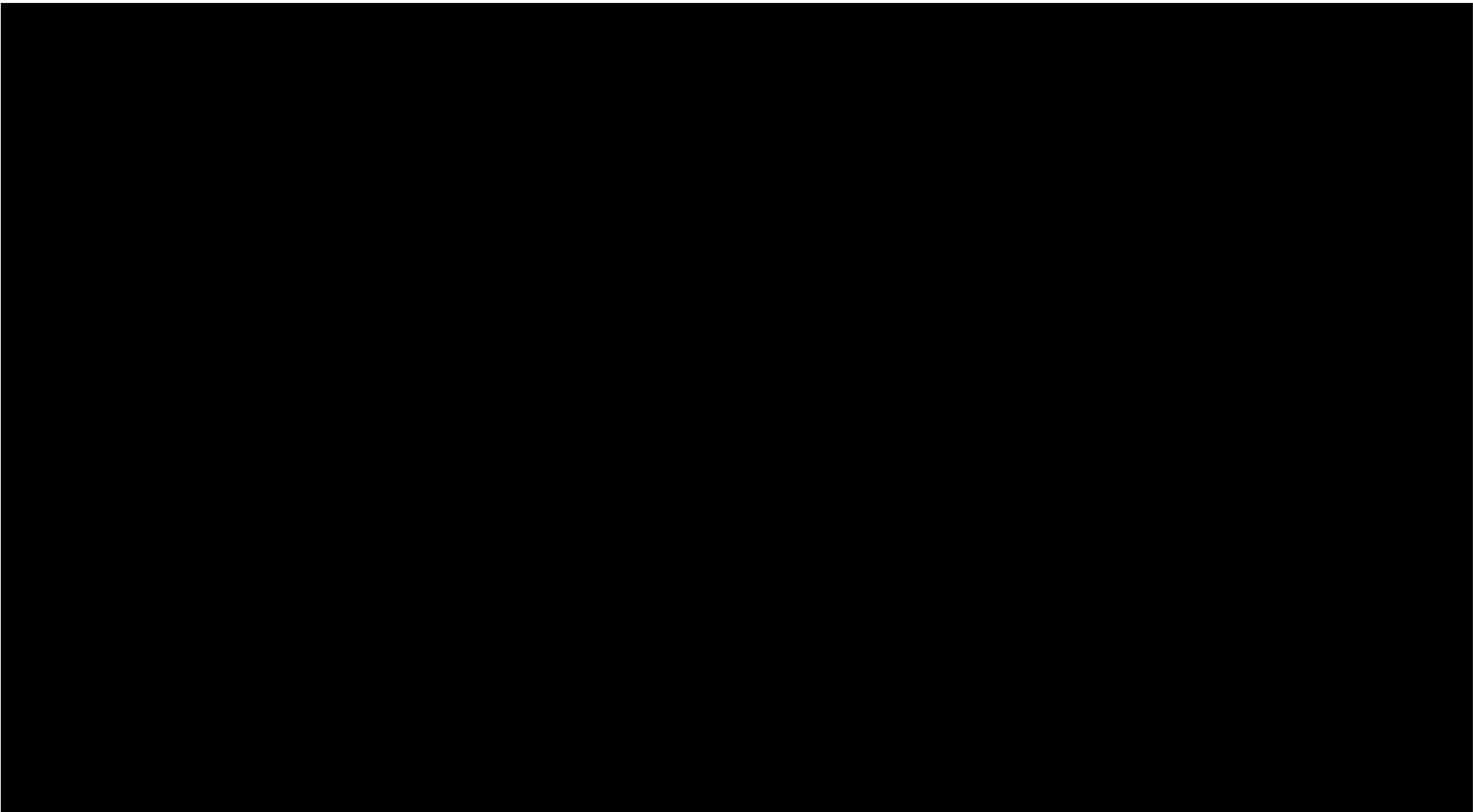




EXHIBIT 6



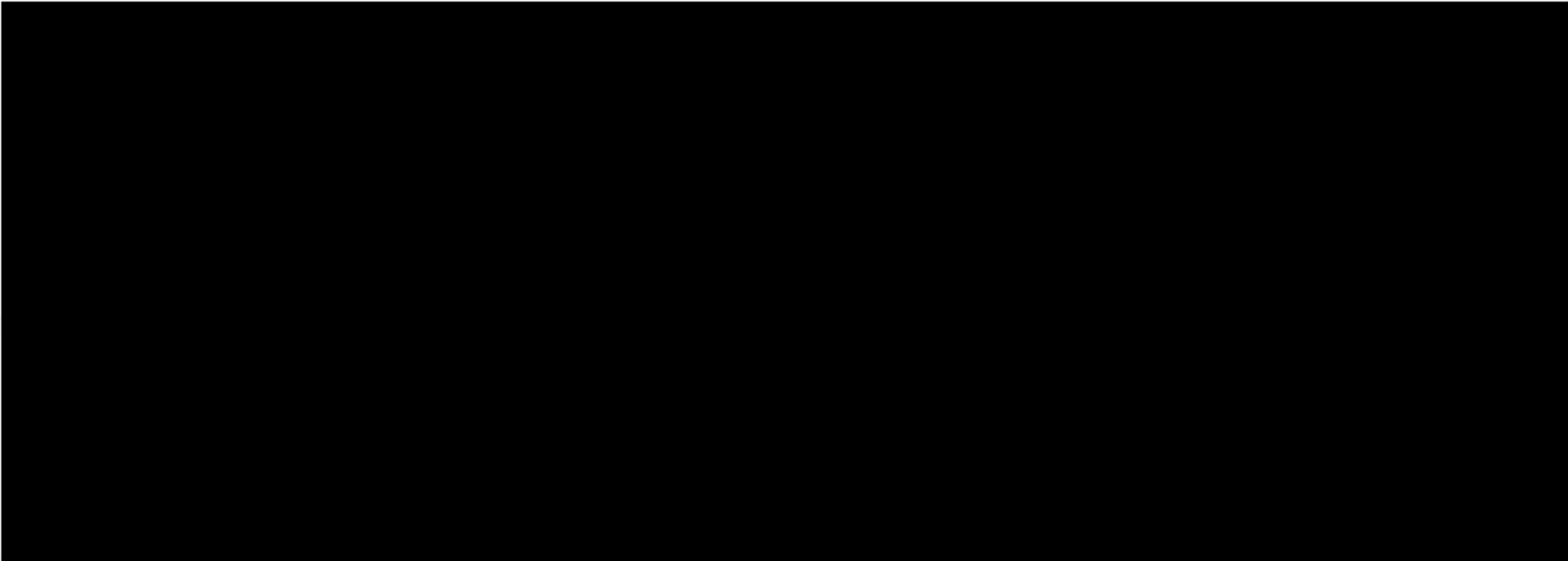


EXHIBIT 7

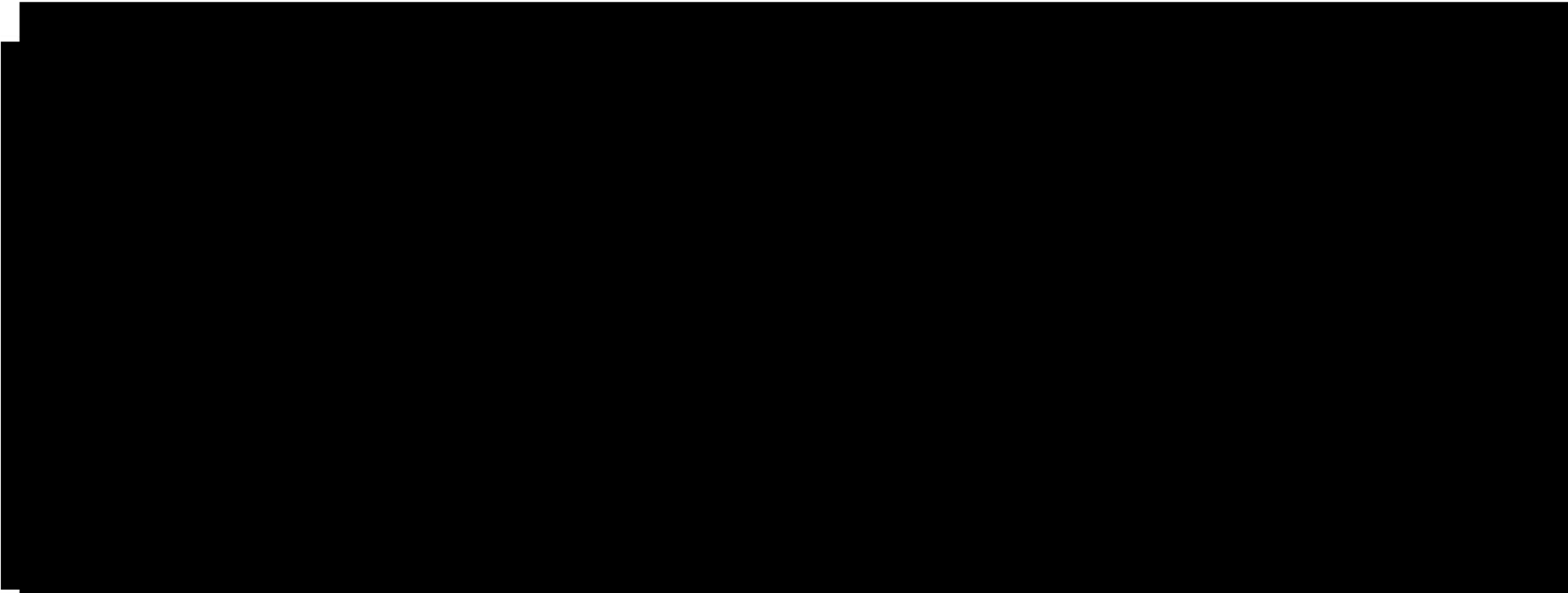


EXHIBIT 8

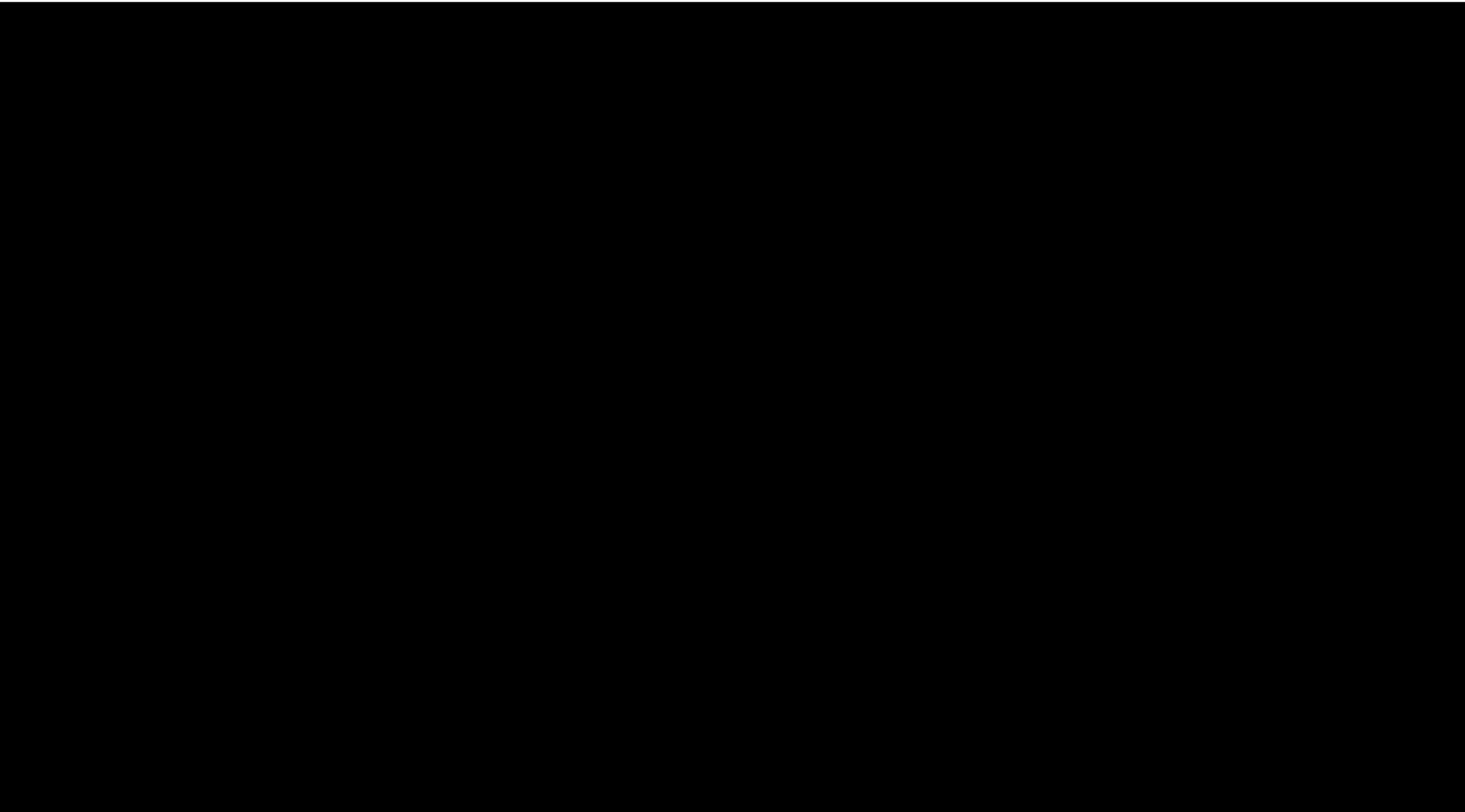
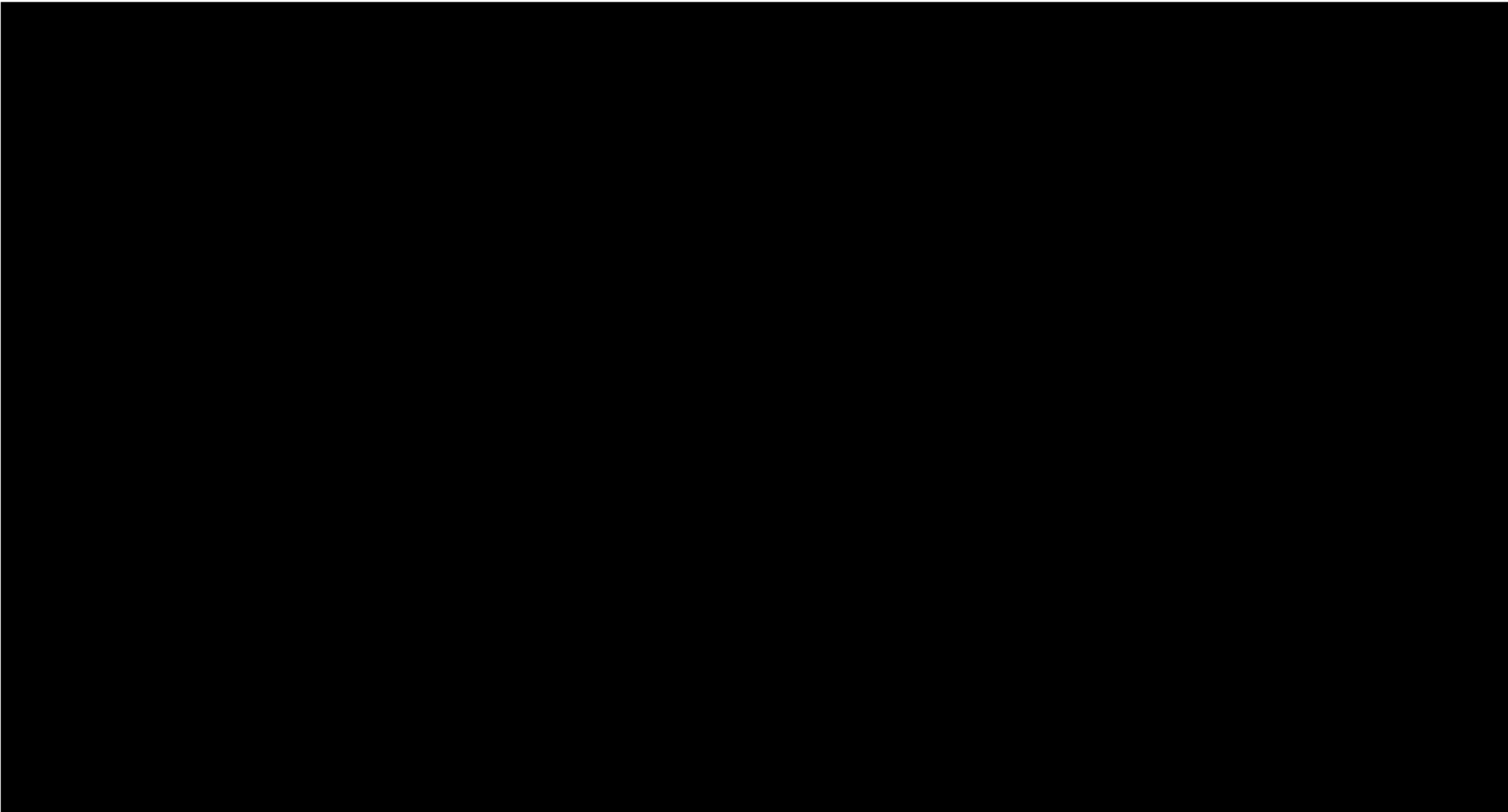




EXHIBIT 9



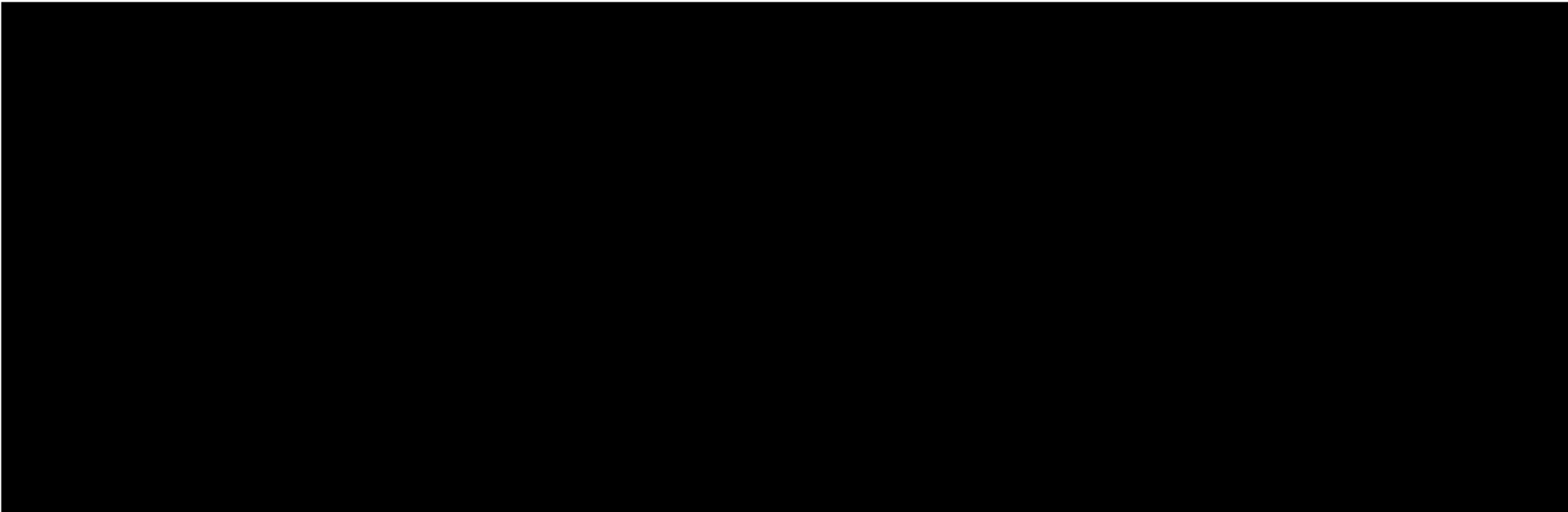


EXHIBIT 10

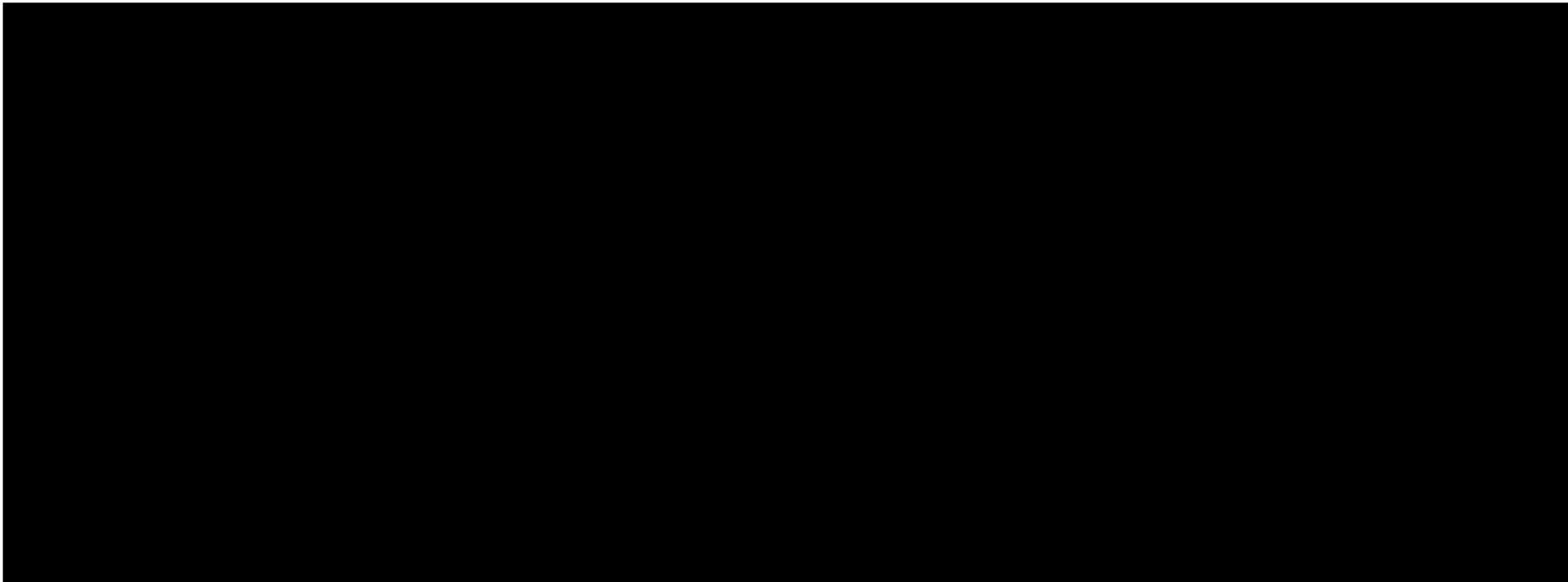


EXHIBIT 11

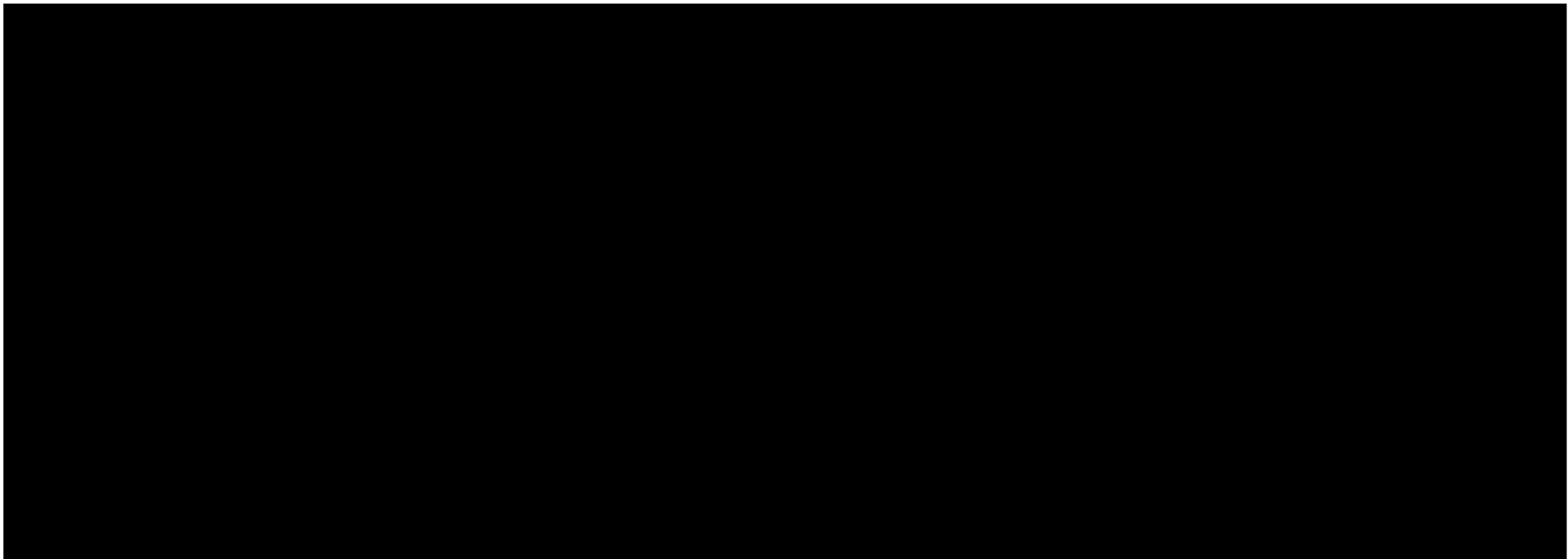


EXHIBIT 12

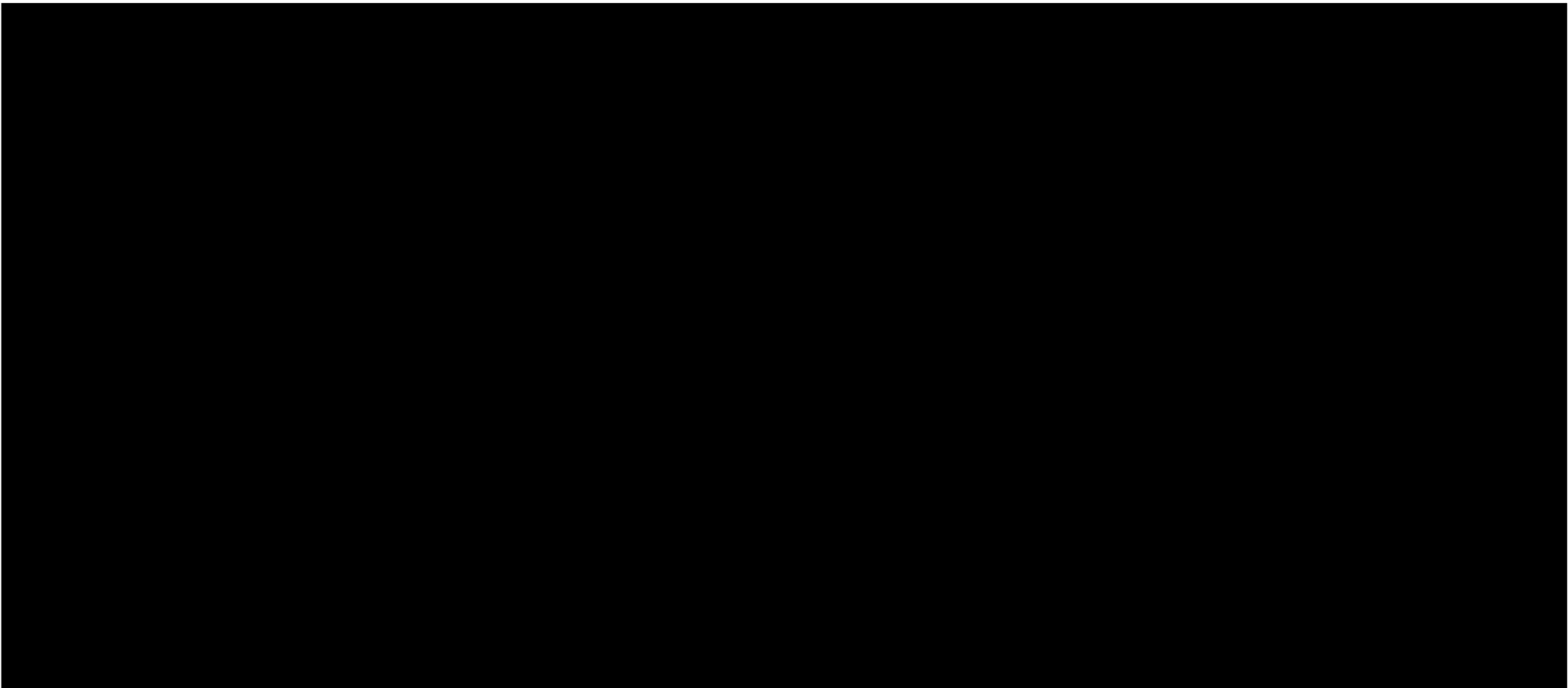


EXHIBIT 13

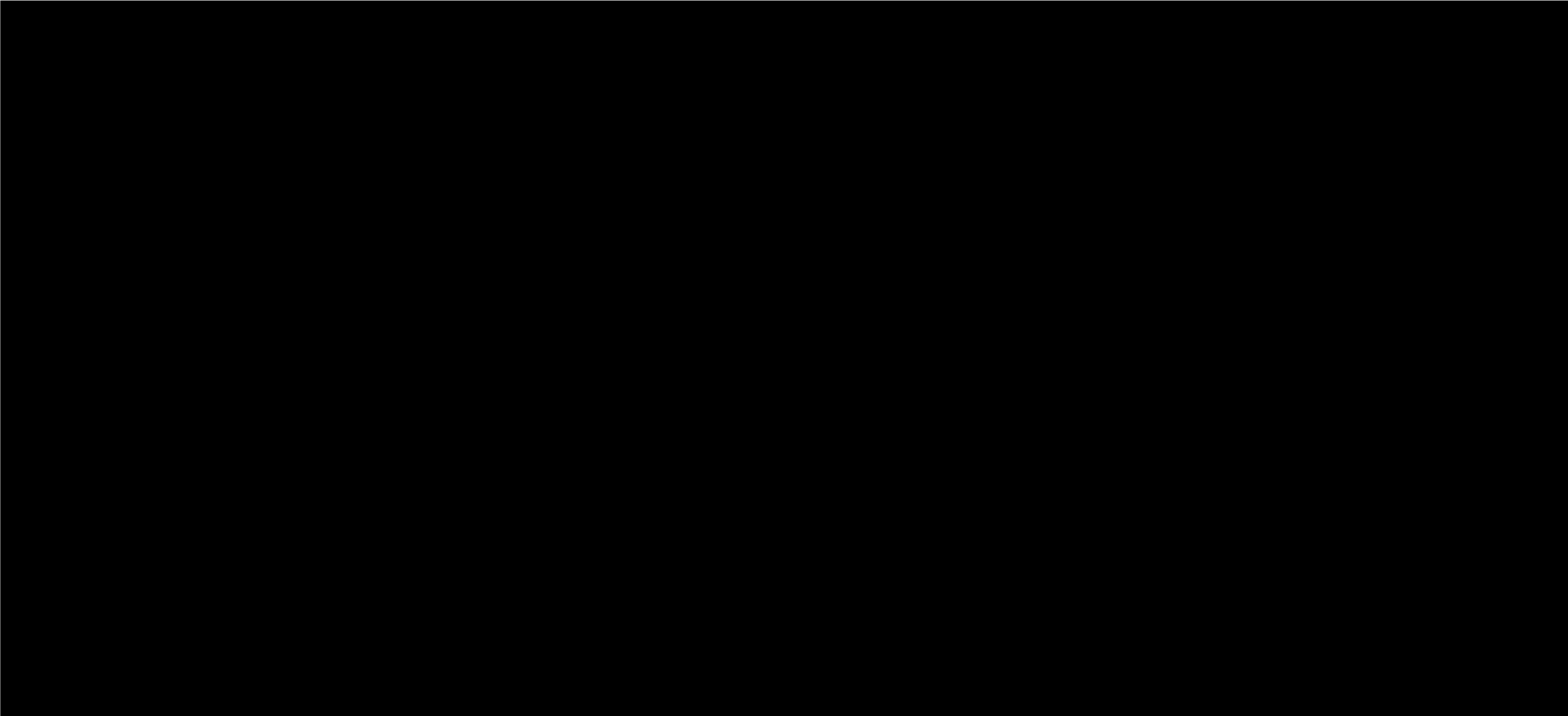
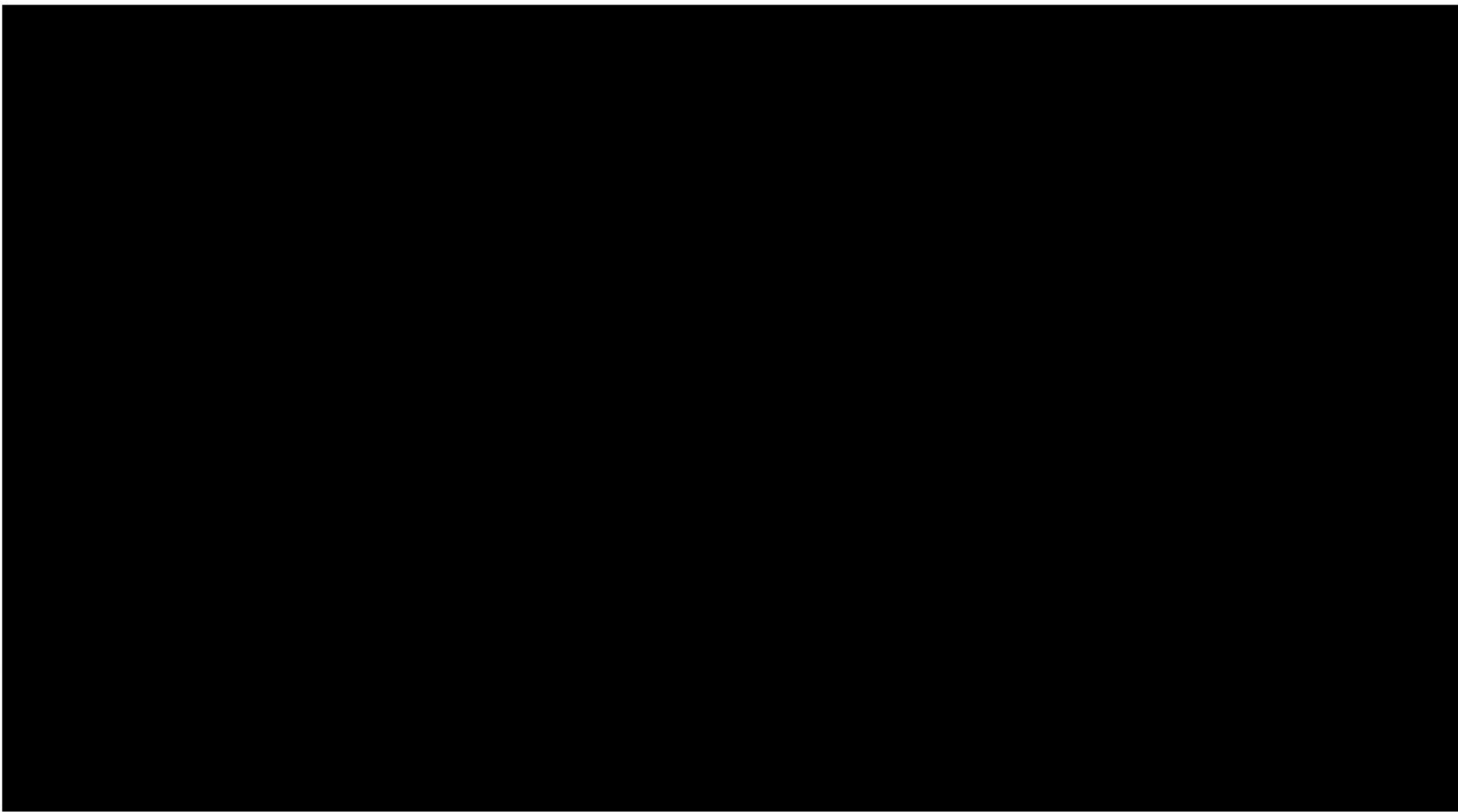
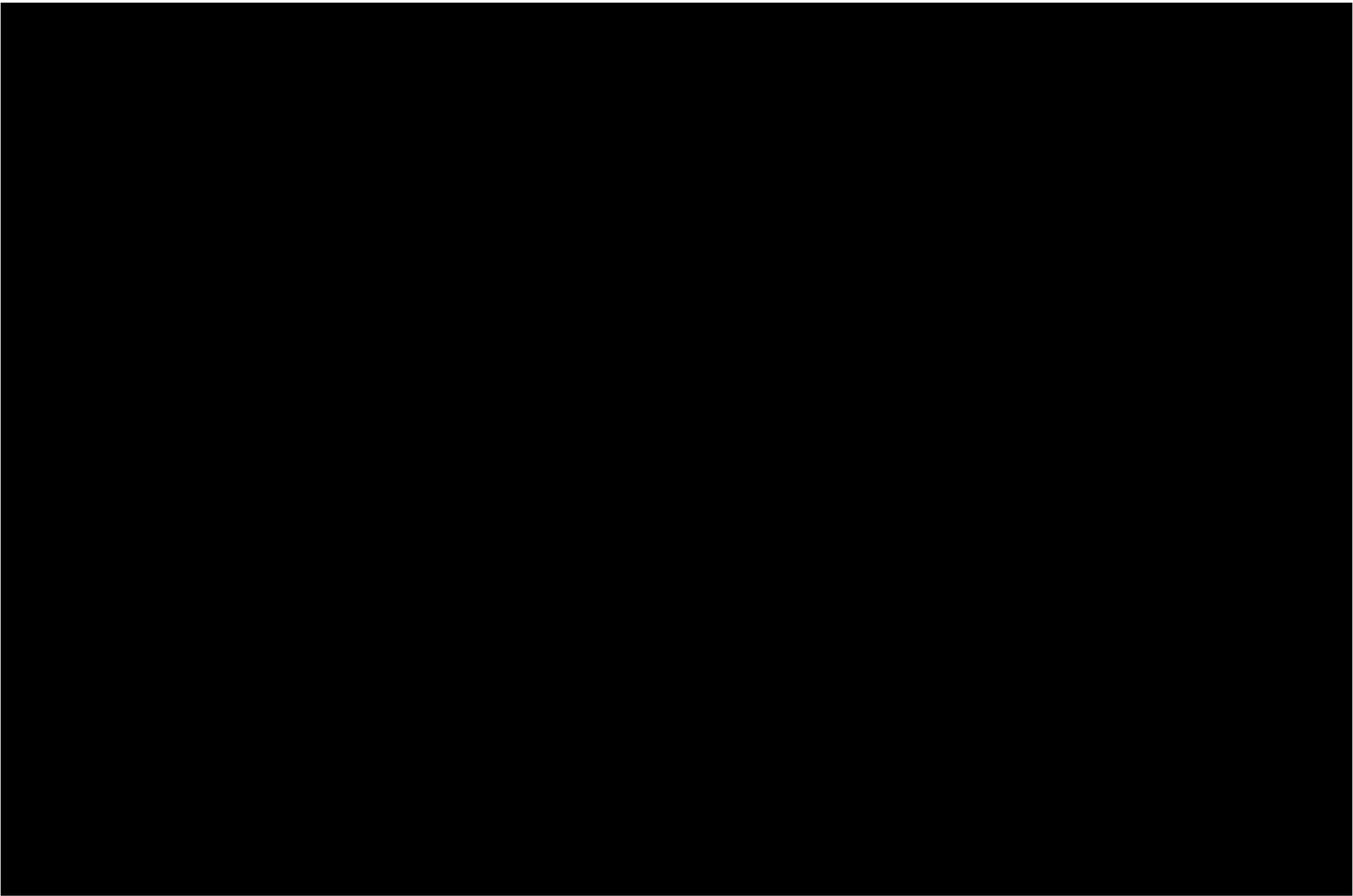


EXHIBIT 14





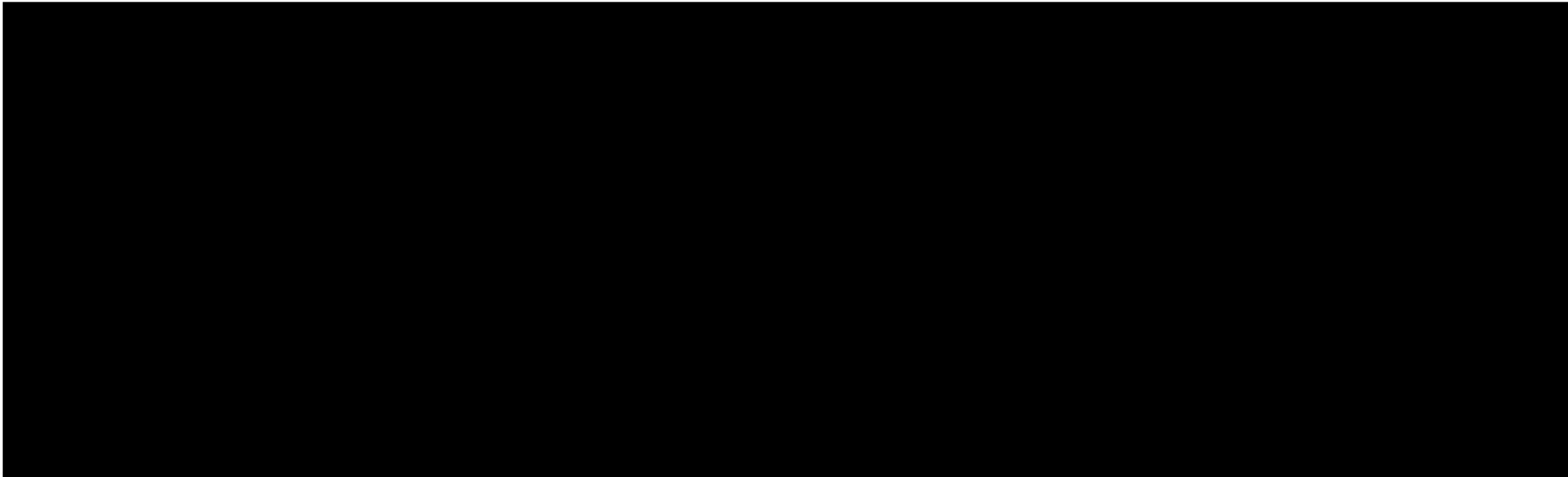


EXHIBIT 15



EXHIBIT 16

EXHIBIT 17

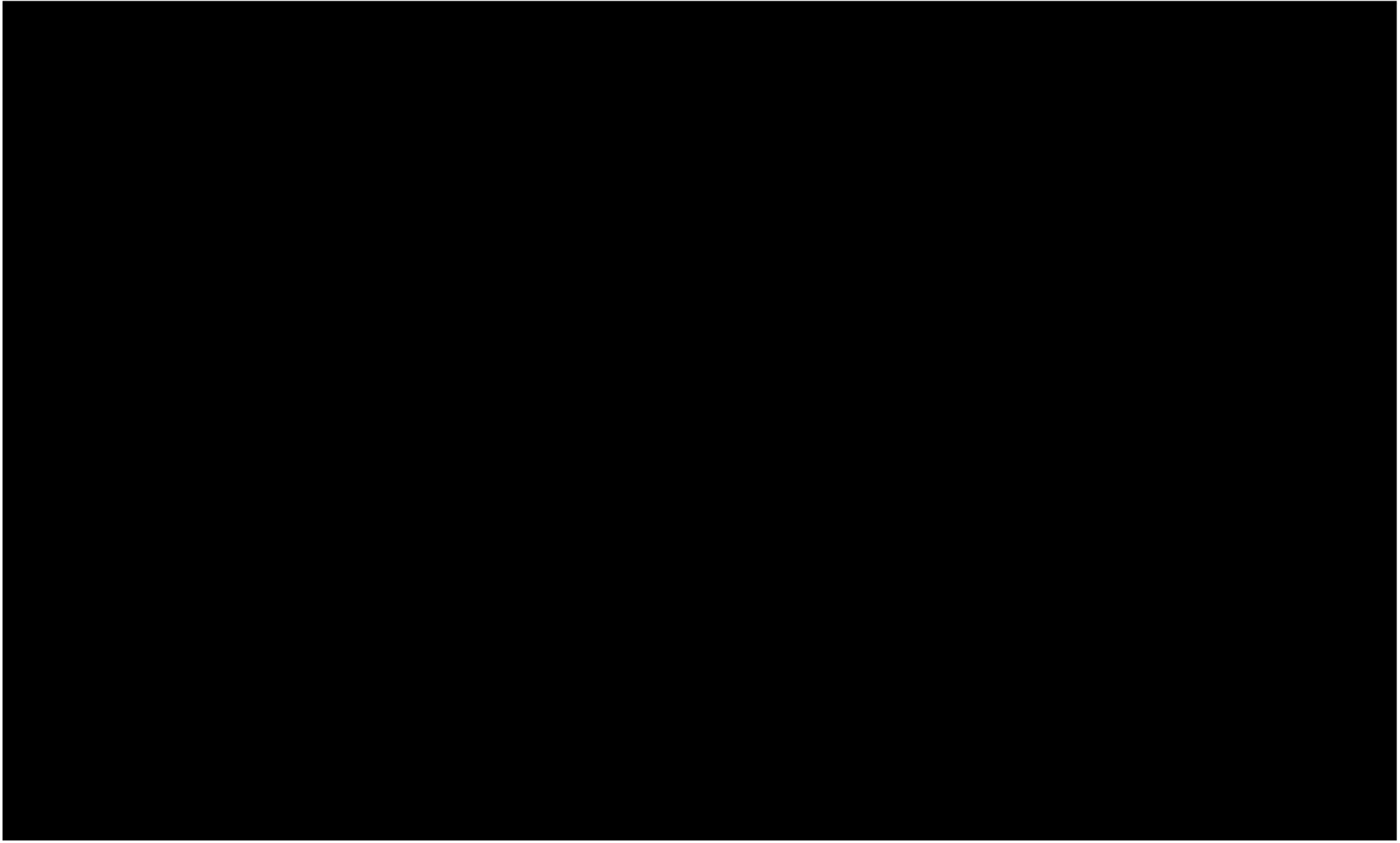
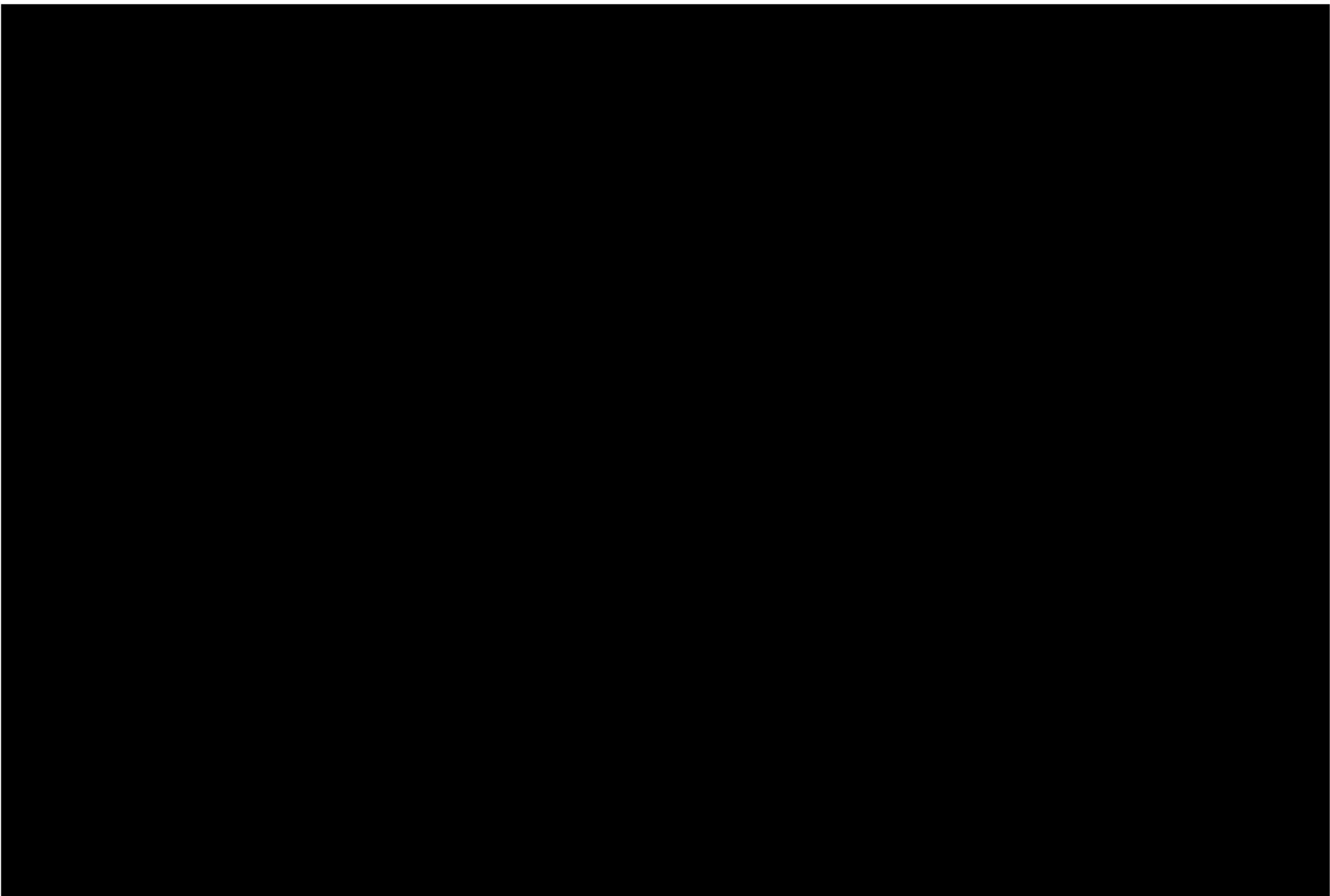


EXHIBIT 18



EXHIBIT 19



PROOF OF SERVICE

STATE OF COLORADO, COUNTY OF JEFFERSON:

I, Michael Wunderlich, am employed in the aforesaid county, State of Colorado; I am over the age of 18 years and not a party to the within action; my business address is 9737 Wadsworth Pkwy, Suite G-100, Westminster, Colorado 80021.

On December 8, 2020, I served the foregoing **SUBMISSION OF EXPUNGEMENT HEARING EXHIBITS** on Interested Parties in this action as follows:

Ms. Jennifer E. Novoselsky, Esq.
E-mail: jnovoselsky@rkchicago.com
Reyes Kurson LTD
Attorney for Respondent
Prudential Equity Group, LLC

[X] (BY DR PORTAL) I caused the documents to be uploaded to the FINRA Dispute Resolution Portal upon which the documents are accessible to the persons listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] (STATE) I certify (or declare) under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.

Executed on December 8, 2020, at Westminster, Colorado.



Michael Wunderlich
HLBS Law
T: (720) 600-4298
E. discovery@hlbslaw.com