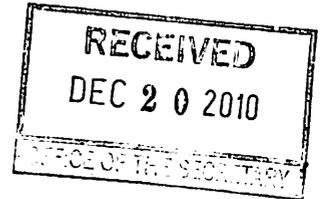


Robert J. Peacock



December 13, 2010

Luis A. Aguilar
Commissioner
United States Securities and Exchange Commission
100 F Street
Washington, DC 20549

RE: Use of Remaining Funds
NYSE Specialist Execution Fraud Settlement Fund
2004 Securities Exchange Act Release Nos. 49498 – 49502 and Nos. 50075 – 50076
March 2004 and July 2004

2005 Securities Exchange Act Release No.51524 / April 12, 2005
Administrative Proceeding File No. 3-11892
Censure and Cease and Desist Order
New York Stock Exchange, Inc., Respondent

2005 Securities Exchange Act of 1934
Release NO. 51525 / April 12, 2005
Cease and Desist Proceedings Against 20 Former NYSE Specialists
Division of Enforcement Alleges Specialists Engaged in a Pervasive Course of
Fraudulent Trading,

08 CIV 10144
Robert J. Peacock vs. NYSE Euronext and its Members
US District Court, Southern District of New York

07 CIV 4658
Sea Carriers Corporation and Sea Carriers LP 1 vs. NYSE EURONEXT., et als
US District Court, Southern District of New York

03 CIV 8264
NYSE Specialist Securities Litigation, CalPERS lead plaintiff
US District Court, Southern District of New York, and

President Obama’s Order on Transparency and Open Government

Dear Commissioner Aguilar,

It is my understanding that your term as Commissioner expires this year, as you are completing the term of your predecessor, Annette Nazareth. Prior to being appointed a SEC Commissioner, Ms. Nazareth was the Commission’s Director of Division of Market Regulation, (March 1999 until August, 2005) and according to the SEC “had primary responsibility for the supervision and

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regulation of the U.S. securities markets, principally through the regulation of brokers and dealers, exchanges..." The primary U.S. exchange then and now is the New York Stock Exchange.

The facts are crystal clear that during Annette Nazareth's watch, the above referenced violations occurred, and under her watch, the violations continued unabated beyond 2003 as is evidenced by NYSE CEO John Thain's false testimony before the House Financial Services Committee in February, 2004.

Regarding John Thain's false testimony, why didn't Annette Nazareth demand that he be prosecuted? Why didn't Chairman Donaldson demand that Thain be prosecuted? Surely both of them must have been aware of "time frames" that were the critical and most important aspect/dynamic in the settlement negotiations with the seven specialist firms. And what about SEC Enforcement Director Stephen M. Cutler; was he aware of the "time frame" negotiations, and if so, why didn't he question Thain's testimony?

In 2008, Annette Nazareth left the SEC to become a member of Davis Polk's Financial Institutions Group. Davis Polk is Bank of America/Fleet Specialists' attorney in CalPERS class action law suit against the NYSE and its members (although CalPERS and Empire Programs initially included the NYSE in their Complaint referenced above, Judge Robert Sweet ruled the NYSE enjoys absolute immunity, and his ruling was challenged by CalPERS all the way up to the U.S. Supreme Court). Davis Polk defended Bank of America, Fleet Specialists and CEO Ken Lewis in my complaint 08 CIV 10144.

Enclosed, please find my email dated 14 December 2006 to Chairman Cox; Annette Nazareth was copied. Did Ms. Nazareth ever communicate with the Chairman regarding this matter, and if so, what was the nature of her comments?

Having worked on Wall Street for a number of years myself, it is my experience that individuals who fail to perform or who fail to carry out their primary responsibility are subject to adverse consequences, such as losing their job, being demoted, barred from participation in financial markets... However, in the case of Annette Nazareth, who by anyone's standards failed miserably regarding her responsibility to supervise and regulate the New York Stock Exchange, she was rewarded (for her incompetence/corruption...???) with a Davis Polk job that most likely pays her multiple times her compensation at the SEC. James McClammy of Davis Polk is one of Bank of America/Fleet Specialists lead attorneys fighting CalPERS in its class action lawsuit, and submitted a comment to the SEC regarding use of the remaining/surplus funds. McClammy submitted his comments to the SEC representing Bank of America/Fleet Specialists and all of the other defendants, including Goldman Sachs/SLK Specialists (<http://www.sec.gov/litigation/admin/311445/311445-11.pdf>).

At the very least, Annette Nazareth betrayed the trust of the American people who she served and who paid her salary. Annette Nazareth betrayed the trust and confidence of every customer (including investors and traders) that entered orders to NYSE specialists from 1999 to 2003+++.

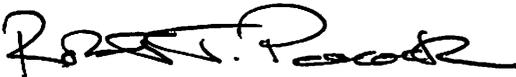
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Given this and all of the other countless extraordinary circumstances surrounding the above referenced violations, I request that you and I meet before your term expires at the SEC. Specifically, I would like an opportunity to answer any and all questions and/or concerns you may have regarding my request for emergency financial relief. In addition, I would like to discuss with you my outstanding Freedom of Information Requests (enclosed).

The NYSE has not released the execution data for forensic analysis purposes. Because this data may have been destroyed, or is missing I am concerned that a prolonged Federal Court process is inevitable. I'm sure Annette Nazareth and Davis Polk will take center stage in this upcoming legal confrontation. Of course, the NYSE's funding for this upcoming legal battle is derived in part or in full from money that the NYSE and its members stole, cheated, defrauded from me and my clients Empire Programs and Sea Carriers. In light of all this, I would like to discuss with you how I might be able to receive immediate financial relief during this period.

In closing, I would like to point out that the NYSE and its members (Goldman Sachs, Bank of America, JPM Chase, Soc Gen...) is arguably the most powerful and influential financial institution in the world. The NYSE and its members can arrange any employment situation, including that of Annette Nazareth. The NYSE is a quasi government entity, and some of its members have businesses guaranteed by the US Government/FDIC, and should be held to the highest ethical and regulatory standards. It is quite clear that ethics and regulation take a back seat to Wall Street greed and outright corruption. A small business owner simply cannot compete or even withstand these fraudulent practices.

Wishing you a very Merry Christmas and a healthy, happy and prosperous New Year! Thank you for your consideration in this matter, and best regards,



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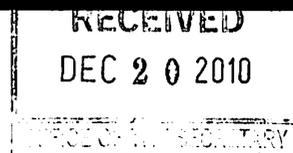
cc: Secretary Murphy
H. David Kotz, Mary Beth Sullivan
Brenda Murray
Robert Khuzami
Michael Coe
Christopher Appel
Chairman Schapiro, and Commissioners Casey, Walter, and Paredes
Leonard Lance, Jon Taets, Bobbi Goodman, Glenn Mortimer, Amanda Woloshen

PS- For your review, I have also attached two recent letters from the SEC. These responses remind me of the NYSE responses I received in 2003 and 2004 regarding my complaints about the execution fraud.



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U.S. Securities and Exchange Commission



SEC Biography: Commissioner Annette L. Nazareth



Annette L. Nazareth was appointed by President George W. Bush to the Securities and Exchange Commission and sworn in on August 4, 2005.

Prior to being appointed a Commissioner, Ms. Nazareth served as the Commission's Director of the Division of Market Regulation, a position she held from March 1999 until August 2005. As Director, Ms. Nazareth had primary responsibility for the supervision and regulation of the U.S. securities markets, principally through the regulation of brokers and dealers, exchanges, clearing agencies,

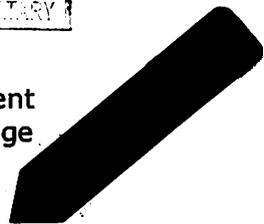
transfer agents and securities information processors. Significant initiatives adopted by the Commission during her tenure include: execution quality disclosure rules, implementation of equities decimal pricing, short sale reforms, implementation of a voluntary regime for consolidated supervision of broker-dealer holding companies and modernization of the national market system rules. She joined the Commission staff in 1998 as Senior Counsel to Chairman Arthur Levitt and served briefly as the Interim Director of the Division of Investment Management.

Ms. Nazareth served as the Commission's representative on the Financial Stability Forum (FSF). The FSF promotes international financial stability through information exchange and international cooperation in financial supervision and surveillance. The FSF brings together on a regular basis national authorities responsible for financial stability in significant international financial centers.

Prior to joining the Commission staff, Ms. Nazareth held several positions in the financial services industry. As a Managing Director of Smith Barney from 1997 to 1998, she was deputy head of the capital markets legal group. As a Senior Vice President and Senior Counsel of Lehman Brothers, Ms. Nazareth was the chief legal advisor to the fixed income division from 1994 to 1997. From 1986 to 1994, she served as Managing Director and General Counsel of Mabon Securities Corp. and its predecessor business, Mabon, Nugent & Co. She began her career as an associate with the law firm of Davis Polk & Wardwell in 1981, where she worked with commercial banks, investment banks and corporations on mergers and acquisitions, syndicated loans and public and private securities offerings.

Ms. Nazareth was born in Providence, Rhode Island. She received her J.D. from Columbia University School of Law, where she was a Harlan Fiske Stone Scholar and her A.B., magna cum laude and Phi Beta Kappa, from Brown University.

Ms. Nazareth is married to Roger W. Ferguson, Jr. and they have two



1998-2004+
NYSE
FRAUD
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