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OFFICE OF THE SECRETARY

March 9, 2018

In The Matter of The Application of

Bruce Zipper

File No. 3-17963

**HARD COPY**

On March 9, 2018 I received a fax from Colleen Durbin, attorney for Finra in this matter stating her opposition to Zipper's Motion To Adduce Additional Evidence in the Matter Listed Above.

Ms. Durbin first objection is that I was 3 weeks past the deadline of February 15, 2018 to produce this evidence and therefore should be rejected by the Commission. I explained that the reason for the delay were the phone records were archived due to their age (2 years old) and as a result the phone company would produce the records as soon as was feasible for them to do so. I received the records on March 5, 2018 and immediately sent them to the Commission for review invoking SEC Rule 452 which says that additional evidence can be introduced if it is material and has a reasonable ground for failure to produce at the proper time. Whereas Ms. Durbin states in her opposition that these phone records are also irrelevant, I disagree totally and believe they are more than relevant. Since this dispute began I have claimed that I started wanting to withdraw from the flawed AWC in question and was making phone calls all through April to Finra members in Boca Raton, Florida and any other Finra office in the country that could get me out of this agreement. Finra, in their responses has always maintained that the first they knew of me wanting to withdraw from this agreement is May, 5, 2016 in e-mails that state this in black and white. These phone logs I have now produced are vital in proving I had

made at least 7 phone calls to the Finra people starting on April 1, 2016 and going through April 22, 2016, which is the date Finra agreed to the AWC in question. Maybe Finra thinks I was talking about the weather or how my day was going but it is more than coincidence that 7 phone calls were made in April and some lasted as long as 16 minutes and were how can I get out of this agreement. This refutes Finra's claim that they weren't aware in WRITING of my intention to withdraw but they certainly were given an earful according to the phone logs. More importantly and most relevant is the issue that Ms. Durbin never addresses. And that is the Commission stated in its letter of January 11, 2018 that they reopened this case because they wanted to review and address my claim that FINRA should have advised me of my OPTIONS after I sought to withdraw from the AWC. In not one response from Ms. Durbin has she addressed that issue including now. Did Finra tell me that I could appeal this AWC to the S.E.C. as an option if done within the 30 days? The answer, NO. However Ms. Durbin says this is applicable quoting Section 19(d) of the Securities Exchange Act of 1934 15 U.S.C. 78s (d) (1988) in her letter dated May 30, 2017) and since Finra knew on May 5, 2016 I wanted out and that timeframe was well within the 30 day period starting April 22, 2016 why wasn't I told of this option? This whole case revolves around timeliness or lack thereof. I am just stating the simple facts now. 1. Finra has written evidence that Zipper wanted out of the AWC no later than May 5, 2016.

2. The AWC in question became official on April 22, 2016.

3. FINRA in every letter since the case began has never stated after hearing my desire to withdraw from this AWC that I had an option to appeal to the S.E.C. On the contrary Finra has said there are NO OPTIONS, in that I signed the AWC and thus it is not appealable which has been FINRA's defense from the start.

4. The phone logs sent to the Commission for their review sent on March 5, 2018 should be admitted as evidence because they are proof as to what

Zipper alleges in that calls were in fact made between Zipper and Finra in the timeframe Zipper alleges he did but up to now could not verify.

5. Ms. Durbin and all the other Finra memebbers related to this case have all preached the same doctrine which is once I sign the agreement there are NO OPTIONS period. Very simply if that is true and the Commission agrees to that position that once signed it is unappealable even if the individual believes he was told untrue information about what was in the AWC and was in fact hoodwinked into the AWC, he has no recourse and that I would be out of luck. The facts however, as I now read them related to this matter say otherwise. In fact Ms. Durbin who seems to talk from both sides of her mouth says often that whether Zipper wanted to withdraw the next day or in 6 months it matters not that the AWC is unappealable. But then Ms. Durbin quotes Section 19(d) of the Securities Exchange Act of 1934 which states is applicable here and the individual has 30 days to appeal this to the Commission as a viable option. And therein lies the whole case in question.

**DOES ZIPPER HAVE THE OPTION TO APPEAL THE AWC HE SIGNED AND BECAME OFFICIAL ON APRIL 22, 2016 TO THE S.E.C. WITHIN THE 30 DAY TIMEFRAME OR NOT? AND IF SO IS FINRA OBLIGATED TO TELL HIM OF THIS OPTION WHICH THEY CLEARLY DID NOT.**

In closing I believe I gave an adequate reason for the delay in getting the evidence of phone records showing my communication with Finra at least seven times during April of 2016 and more importantly I feel they are more than material as it relates to the case at hand.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Zipper". The signature is fluid and cursive, with a large initial "B" and "Z".

Bruce Zipper