



## IAPD Report

# JOHN PHILLIP BURTON

CRD# 2364201

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**i** Please be aware that fraudsters may link to Investment Adviser Public Disclosure from phishing and similar scam websites, trying to steal your personal information or your money. Make sure you know who you're dealing with when investing, and contact FINRA with any concerns.  
For more information read our [investor alert](#) on imposters.



## IAPD Information About Representatives

IAPD offers information on all current-and many former representatives. Investors are strongly encouraged to use IAPD to check the background of representatives before deciding to conduct, or continue to conduct, business with them.

### What is included in a IAPD report?

IAPD reports for individual representatives include information such as employment history, professional qualifications, disciplinary actions, criminal convictions, civil judgments and arbitration awards.

It is important to note that the information contained in an IAPD report may include pending actions or allegations that may be contested, unresolved or unproven. In the end, these actions or allegations may be resolved in favor of the representative, or concluded through a negotiated settlement with no admission or finding of wrongdoing.

### Where did this information come from?

The information contained in IAPD comes from the Investment Adviser Registration Depository (IARD) and FINRA's Central Registration Depository, or CRD, (see more on CRD below) and is a combination of:

- information the states require representatives and firms to submit as part of the registration and licensing process, and
- information that state regulators report regarding disciplinary actions or allegations against representatives.

### How current is this information?

Generally, representatives are required to update their professional and disciplinary information in IARD within 30 days.

### Need help interpreting this report?

For help understanding how to read this report, please consult NASAA's IAPD Tips page <http://www.nasaa.org/IAPD/IARReports.cfm>

### What if I want to check the background of an Individual Broker or Brokerage Firm?

To check the background of an Individual Broker or Brokerage firm, you can search for the firm or individual in IAPD. If your search is successful, click on the link provided to view the available licensing and registration information in FINRA's BrokerCheck website.

### Are there other resources I can use to check the background of investment professionals?

It is recommended that you learn as much as possible about an individual representative or Investment Adviser firm before deciding to work with them. Your state securities regulator can help you research individuals and certain firms doing business in your state. The contact information for state securities regulators can be found on the website of the North American Securities Administrators Association <http://www.nasaa.org>



## Report Summary

### JOHN PHILLIP BURTON (CRD# 2364201)

The report summary provides an overview of the representative's professional background and conduct. The information contained in this report has been provided by the representative, investment adviser and/or securities firms, and/or securities regulators as part of the states' investment adviser registration and licensing process. The information contained in this report was last updated by the representative, a previous employing firm, or a securities regulator on **03/15/2024**.

### CURRENT EMPLOYERS

	Firm	CRD#	Registered Since
<b>B</b>	CETERA ADVISOR NETWORKS LLC	CRD# 13572	09/20/2019
<b>IA</b>	CETERA INVESTMENT ADVISERS LLC	CRD# 105644	06/29/2023

### QUALIFICATIONS

This representative is currently registered in **1** SRO(s) and **15** jurisdiction(s).

Is this representative currently Inactive or Suspended with any regulator? **No**

**Note:** Not all jurisdictions require IAR registration or may have an exemption from registration.

Additional information including this individual's qualification examinations and professional designations is available in the Detailed Report.

### REGISTRATION HISTORY

This representative was previously registered with the following firm(s):

	FIRM	CRD#	LOCATION	REGISTRATION DATES
<b>IA</b>	CETERA ADVISOR NETWORKS LLC	13572	EL SEGUNDO, CA	05/20/2021 - 06/29/2023
<b>IA</b>	SUMMIT FINANCIAL GROUP INC	109485	FAIRMONT, WV	12/12/2013 - 05/20/2021
<b>B</b>	SUMMIT BROKERAGE SERVICES, INC.	34643	FAIRMONT, WV	12/04/2013 - 09/20/2019

For additional registration and employment history details as reported by the individual, refer to the Registration and Employment History section of the Detailed Report.

### DISCLOSURE INFORMATION

Disclosure events include certain criminal charges and convictions, formal investigations and disciplinary actions initiated by regulators, customer disputes and arbitrations, and financial disclosures such as bankruptcies and unpaid judgments or liens.

Are there events disclosed about this representative? **Yes**

The following types of events are disclosed about this representative:

Type	Count
Regulatory Event	1
Customer Dispute	2



## Qualifications

### REGISTRATIONS

This section provides the SRO, states and U.S. territories in which the representative is currently registered and licensed, the category of each registration, and the date on which the registration becomes effective. This section also provides, for each firm with which the representative is currently employed, the address of each location where the representative works. This individual is currently registered with **15** jurisdiction(s) and 1 SRO(s) through his or her employer(s).

### Employment 1 of 2

Firm Name: **CETERA ADVISOR NETWORKS LLC**  
Main Address: 2301 ROSECRANS AVE #5100  
EL SEGUNDO, CA 90245  
Firm ID#: 13572

	Regulator	Registration	Status	Date
<b>B</b>	FINRA	General Securities Principal	Approved	09/20/2019
<b>B</b>	FINRA	General Securities Representative	Approved	09/20/2019
<b>B</b>	FINRA	Invest. Co and Variable Contracts	Approved	09/20/2019
<b>B</b>	Alabama	Agent	Approved	09/20/2019
<b>B</b>	Connecticut	Agent	Approved	08/25/2021
<b>B</b>	District of Columbia	Agent	Approved	09/20/2019
<b>B</b>	Florida	Agent	Approved	09/23/2019
<b>B</b>	Kentucky	Agent	Approved	07/14/2022
<b>B</b>	Maryland	Agent	Approved	03/29/2024
<b>B</b>	New Jersey	Agent	Approved	09/20/2019
<b>B</b>	North Carolina	Agent	Approved	09/20/2019
<b>B</b>	Ohio	Agent	Approved	09/20/2019
<b>B</b>	Pennsylvania	Agent	Approved	09/20/2019



### Qualifications

Regulator	Registration	Status	Date
<b>B</b> South Carolina	Agent	Approved	09/20/2019
<b>B</b> Tennessee	Agent	Approved	02/18/2020
<b>B</b> Texas	Agent	Approved	09/20/2019
<b>B</b> Virginia	Agent	Approved	09/20/2019
<b>B</b> West Virginia	Agent	Approved	09/20/2019

### Branch Office Locations

#### CETERA ADVISOR NETWORKS LLC

1042 Morgantown Ave  
FAIRMONT, WV 26554

### Employment 2 of 2

Firm Name: **CETERA INVESTMENT ADVISERS LLC**  
 Main Address: 1450 AMERICAN LANE  
 6TH FLOOR, SUITE 650  
 SCHAUMBURG, IL 60173-2096  
 Firm ID#: 105644

Regulator	Registration	Status	Date
<b>IA</b> Texas	Investment Adviser Representative	Restricted Approval	06/29/2023
<b>IA</b> West Virginia	Investment Adviser Representative	Approved	06/29/2023

### Branch Office Locations

#### CETERA INVESTMENT ADVISERS LLC

1042 Morgantown Ave  
FAIRMONT, WV 26554




## Qualifications

### PASSED INDUSTRY EXAMS




This section includes all industry exams that the representative has passed. Under limited circumstances, a representative may attain registration after receiving an exam waiver based on a combination of exams the representative has passed and qualifying work experience. Likewise a new exam requirement may be grandfathered based on a representative's specific qualifying work experience. Exam waivers and grandfathering are not included below.

**This individual has passed 1 principal/supervisory exam, 3 general industry/product exams, and 2 state securities law exams.**



#### Principal/Supervisory Exams

	Exam	Category	Date
	General Securities Principal Examination (S24)	Series 24	03/05/2012

#### General Industry/Product Exams

	Exam	Category	Date
	Securities Industry Essentials Examination (SIE)	SIE	10/01/2018
	General Securities Representative Examination (S7)	Series 7	08/04/1998
	Investment Company Products/Variable Contracts Representative Examination (S6)	Series 6	08/05/1993

#### State Securities Law Exams

	Exam	Category	Date
	Uniform Investment Adviser Law Examination (S65)	Series 65	11/13/2000
	Uniform Securities Agent State Law Examination (S63)	Series 63	08/05/1993

### PROFESSIONAL DESIGNATIONS

This section details that the representative has reported **0** professional designation(s).

No information reported.



## Registration & Employment History

### PREVIOUSLY REGISTERED WITH THE FOLLOWING FIRMS

This representative held registrations with the following firms:

	Registration Dates	Firm Name	ID#	Branch Location
IA	05/20/2021 - 06/29/2023	CETERA ADVISOR NETWORKS LLC	CRD# 13572	EL SEGUNDO, CA
IA	12/12/2013 - 05/20/2021	SUMMIT FINANCIAL GROUP INC	CRD# 109485	FAIRMONT, WV
B	12/04/2013 - 09/20/2019	SUMMIT BROKERAGE SERVICES, INC.	CRD# 34643	FAIRMONT, WV
IA	12/14/2011 - 11/15/2013	LPL FINANCIAL LLC	CRD# 6413	FAIRMONT, WV
B	12/09/2011 - 11/15/2013	LPL FINANCIAL LLC	CRD# 6413	FAIRMONT, WV
IA	01/11/2005 - 12/19/2011	INVESTORS CAPITAL ADVISORY	CRD# 30613	FAIRMONT, WV
B	07/02/1998 - 12/19/2011	INVESTORS CAPITAL CORP.	CRD# 30613	FAIRMONT, WV
IA	07/02/2002 - 12/31/2004	EASTERN POINT ADVISORS INC.	CRD# 107123	FAIRMONT, WV
B	08/06/1993 - 07/01/1998	MML INVESTORS SERVICES, INC.	CRD# 10409	SPRINGFIELD, MA

### EMPLOYMENT HISTORY

Below is the representative's employment history for up to the last 10 years.

Employment Dates	Employer Name	Position	Investment Related	Employer Location
06/2023 - Present	CETERA INVESTMENT ADVISERS LLC	INVESTMENT ADVISOR REPRESENTATIVE	Y	SCHAUMBURG, IL, United States
09/2019 - Present	CETERA ADVISOR NETWORKS LLC	REGISTERED REPRESENTATIVE	Y	EL SEGUNDO, CA, United States
12/2013 - 05/2021	SUMMIT FINANCIAL GROUP	IA REP	Y	FAIRMONT, WV, United States
12/2013 - 09/2019	SUMMIT BROKERAGE SERVICES INC	REG REP	Y	FAIRMONT, WV, United States



## Registration & Employment History



### OTHER BUSINESS ACTIVITIES

This section includes information, if any, as provided by the representative regarding other business activities the representative is currently engaged in either as a proprietor, partner, officer, director, employee, trustee, agent, or otherwise. This section does not include non-investment related activity that is exclusively charitable, civic, religious, or fraternal and is recognized as tax exempt.

(1) BRK HOLDINGS LLC; NOT INVESTMENT-RELATED; COMMERCIAL PROPERTY; PARTNER; 07/01/2013; APPX 4 HOURS/MONTH; APPX 0 HOURS/MONTH DURING TRADING; PURCHASED BUILDING TO RELOCATE BUSINESS, HAS 3 APARTMENTS. BUILDING NOW BEING RENOVATED

(2) NAME OF OTHER BUSINESS: MARION COUNTY PARKS AND RECREATION COMMISSION;  
INVESTMENT RELATED: NO;  
ADDRESS: 1000 COLE ST STE B PLEASANT VALLEY, WV 26554;  
NATURE OF BUSINESS: NON PROFIT;  
START DATE: 11/2021;  
POSITION/TITLE/RELATIONSHIP: TREASURER ;  
APX NUMBER OF HOURS PER WEEK: 2 -4 ;  
APX NUMBER OF HOURS DURING TRADING HOURS: 2-4 ;  
BRIEF DESCRIPTION OF DUTIES: ANNUAL BUDGETING, PROVIDE FINANCIAL REPORT TO BOARD MEMBERS AT MONTHLY MEETING;

(3)WV DISC GOLF ASSN LLC; NOT INVESTMENT-RELATED; 181 CIRCLE DR FAIRMONT, WV 26554; RUN A FEW DISC GOLD TOURNAMENTS AND HELPS OTHERS IN WV DO SAME; MEMBER; 01/01/2006; APPX 5 HOURS/MONTH; APPX 0 HOURS/MONTH DURING TRADING; ORGANIZE TOURNAMENTS INCLUDING PAPERWORK, FOOD, ORDERING DISCS AND HELP RUN EVENTS.

(4) YOUR COMMUNITY FOUNDATION OF NORTH CENTRAL WV, INC.; NOT INVESTMENT RELATED; 111 HIGH STREET, MORGANTOWN, WV 26505; CHARITY/NON-PROFIT; INVESTMENT COMMITTEE; STARTED 7/15/2017; APX 2 HOURS/MONTH, NONE DURING TRADING; Investment committee is in the process of selecting a new management company. We have received 6 proposals, only investment company's with as least \$500 million under management are eligible to participate (which does not include me). My part is to review each proposal as to 1) their recommended asset allocation and 2) their recommended changes to YCF's Investment Policy Statement. I have no control over any decisions, I have been charged with reviewing proposals and submersing responses for presentation to the committee as a whole.

(5) NAME OF OTHER BUSINESS: MARION COUNTY SENIOR CITIZENS, INC.;  
INVESTMENT RELATED: NO;  
ADDRESS: 105 MAPLEWOOD DR FAIRMONT, WV 26554;  
NATURE OF BUSINESS: NON PROFIT;  
START DATE: 9/2021;  
POSITION/TITLE/RELATIONSHIP: PRESIDENT ;  
APX NUMBER OF HOURS PER WEEK: 2 ;  
APX NUMBER OF HOURS DURING TRADING HOURS: 2 ;  
BRIEF DESCRIPTION OF DUTIES: PRESIDE OVER MONTHLY MEETINGS, SIGN CHECKS AND PROVIDE CORP LEADERSHIP;

(6) NAME OF OTHER BUSINESS: MARION COUNTY PARKS & REC COMM  
INVESTMENT RELATED: NO,  
ADDRESS: 1000, COLE ST, FAIRMONT, WV, 26554,  
NATURE OF BUSINESS: CIVIC,,  
START DATE: 01/2023,  
POSITION/TITLE/RELATIONSHIP: TREASURER,  
APX NUMBER OF HOURS PER WEEK: 1,  
APX NUMBER OF HOURS DURING TRADING HOURS: VARIES,  
BRIEF DESCRIPTION OF DUTIES: REVIEW FINANCIALS, ATTEND BOARD MEETINGS;





## Disclosure Summary

### Disclosure Information

#### What you should know about reported disclosure events:

##### (1) Certain thresholds must be met before an event is reported to IARD, for example:

- A law enforcement agency must file formal charges before an Investment Adviser Representative is required to report a particular criminal event.;
- A customer dispute must involve allegations that an Investment Adviser Representative engaged in activity that violates certain rules or conduct governing the industry and that the activity resulted in damages of at least \$5,000.

##### (2) Disclosure events in IAPD reports come from different sources:

As mentioned in the "About IAPD" section on page 1 of this report, information contained in IAPD comes from Investment Adviser Representatives, firms and regulators. When more than one of these sources reports information for the same disclosure event, all versions of the event will appear in the IAPD report. The different versions will be separated by a solid line with the reporting source labeled.

##### (3) There are different statuses and dispositions for disclosure events:

- A disclosure event may have a status of *pending*, *on appeal*, or *final*.
  - A "pending" disclosure event involves allegations that have not been proven or formally adjudicated.
  - A disclosure event that is "on appeal" involves allegations that have been adjudicated but are currently being appealed.
  - A "final" disclosure event has been concluded and its resolution is not subject to change.
- A final disclosure event generally has a disposition of *adjudicated*, *settled* or *otherwise resolved*.
  - An "adjudicated" matter includes a disposition by (1) a court of law in a criminal or civil matter, or (2) an administrative panel in an action brought by a regulator that is contested by the party charged with some alleged wrongdoing.
  - A "settled" matter generally represents a disposition wherein the parties involved in a dispute reach an agreement to resolve the matter. Please note that Investment Adviser Representatives and firms may choose to settle customer disputes or regulatory matters for business or other reasons.
  - A "resolved" matter usually includes a disposition wherein no payment is made to the customer or there is no finding of wrongdoing on the part of the Investment Adviser Representative. Such matters generally involve customer disputes.

##### (4) You may wish to contact the Investment Adviser Representatives to obtain further information regarding any of the disclosure events contained in this IAPD report.



## DISCLOSURE EVENT DETAILS

When evaluating this information, please keep in mind that some items may involve pending actions or allegations that may be contested and have not been resolved or proven. The event may, in the end, be withdrawn, dismissed, resolved in favor of the Investment Adviser Representative, or concluded through a negotiated settlement with no admission or finding of wrongdoing.

This report provides the information exactly as it was reported to the Investment Adviser Registration Depository. Some of the specific data fields contained in the report may be blank if the information was not provided.

The following types of events are disclosed about this representative:

Type	Count
Regulatory Event	1
Customer Dispute	2

### Regulatory Event

This disclosure event may include a final, formal proceeding initiated by a regulatory authority (e.g., a state securities agency, a federal regulator such as the Securities and Exchange Commission or the Commodities Futures Trading Commission, or a foreign financial regulatory body) for a violation of investment-related rules or regulations. This disclosure event may also include a revocation or suspension of an Investment Adviser Representative's authority to act as an attorney, accountant or federal contractor.

#### Disclosure 1 of 1

<b>Reporting Source:</b>	Regulator
<b>Regulatory Action Initiated By:</b>	FINRA
<b>Sanction(s) Sought:</b>	Other: N/A
<b>Date Initiated:</b>	10/23/2013
<b>Docket/Case Number:</b>	<a href="#">2013036824801</a>
<b>Employing firm when activity occurred which led to the regulatory action:</b>	LPL FINANCIAL LLC
<b>Product Type:</b>	Annuity-Variable

**Allegations:** FINRA RULE 2010:  
 THE DAUGHTER OF A MARRIED COUPLE WHO WERE BURTON'S CUSTOMERS, SENT A LETTER TO BURTON'S MEMBER FIRM COMPLAINING ABOUT, AMONG OTHER THINGS, THE SURRENDER CHARGES ASSOCIATED WITH A VARIABLE ANNUITY HER PARENTS HAD PURCHASED EARLIER IN THE YEAR.  
 THE MARRIED COUPLE WITHDREW \$5,314.26, WHICH INCLUDED \$314.26 IN SURRENDER CHARGES, FROM ANOTHER ONE OF THEIR VARIABLE ANNUITIES. BURTON, AWARE OF THE DAUGHTER'S COMPLAINT, OFFERED TO REIMBURSE THE COUPLE FOR THE SURRENDER CHARGES. WHILE REGISTERED WITH FINRA THROUGH THE ASSOCIATION OF HIS FIRM, BURTON WROTE THE CUSTOMERS A \$314.26 CHECK, OUT OF HIS COMMERCIAL ACCOUNT, IN ORDER TO REIMBURSE THEM FOR CHARGES THEY HAD INCURRED. BURTON MADE THIS PAYMENT TO THE COUPLE WITHOUT HIS FIRM'S KNOWLEDGE OR CONSENT.



<b>Current Status:</b>	Final
<b>Resolution:</b>	Acceptance, Waiver & Consent(AWC)
<b>Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct?</b>	No
<b>Resolution Date:</b>	10/23/2013
<b>Sanctions Ordered:</b>	Civil and Administrative Penalty(ies)/Fine(s) Suspension
<b>If the regulator is the SEC, CFTC, or an SRO, did the action result in a finding of a willful violation or failure to supervise?</b>	No

**(1) willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board, or to have been unable to comply with any provision of such Act, rule or regulation?**

**(2) willfully aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board? or**



**(3) failed reasonably to supervise another person subject to your supervision, with a view to preventing the violation by such person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any such Acts, or any of the rules of the Municipal Securities Rulemaking Board?**

**Sanction 1 of 1**

**Sanction Type:** Suspension  
**Capacities Affected:** ANY CAPACITY  
**Duration:** 10 BUSINESS DAYS  
**Start Date:** 11/18/2013  
**End Date:** 12/02/2013

**Monetary Sanction 1 of 1**

**Monetary Related Sanction:** Civil and Administrative Penalty(ies)/Fine(s)  
**Total Amount:** \$5,000.00  
**Portion Levied against individual:** \$5,000.00  
**Payment Plan:**  
**Is Payment Plan Current:** Yes  
**Date Paid by individual:** 11/04/2013  
**Was any portion of penalty waived?** No

**Amount Waived:**

**Regulator Statement** WITHOUT ADMITTING OR DENYING THE FINDINGS, BURTON CONSENTED TO THE DESCRIBED SANCTIONS AND TO THE ENTRY OF FINDINGS, THEREFORE HE IS FINED \$5,000 AND SUSPENDED FROM ASSOCIATION WITH ANY FINRA MEMBER IN ANY CAPACITY FOR 10 BUSINESS DAYS. THE SUSPENSION IS IN EFFECT FROM NOVEMBER 18, 2013, THROUGH DECEMBER 2, 2013.

FINE PAID IN FULL ON NOVEMBER 4, 2013.

**Reporting Source:** Firm  
**Regulatory Action Initiated By:** FINRA



<b>Sanction(s) Sought:</b>	Other: N/A
<b>Date Initiated:</b>	10/23/2013
<b>Docket/Case Number:</b>	<a href="#">2013036824801</a>
<b>Employing firm when activity occurred which led to the regulatory action:</b>	LPL FINANCIAL LLC
<b>Product Type:</b>	Annuity-Fixed
<b>Allegations:</b>	FINRA RULE 2010: THE DAUGHTER OF A MARRIED COUPLE WHO WERE BURTON'S CUSTOMERS, SENT A LETTER TO BURTON'S MEMBER FIRM COMPLAINING ABOUT, AMONG OTHER THINGS, THE SURRENDER CHARGES ASSOCIATED WITH A VARIABLE ANNUITY HER PARENTS HAD PURCHASED EARLIER IN THE YEAR. THE MARRIED COUPLE WITHDREW \$5,314.26, WHICH INCLUDED \$314.26 IN SURRENDER CHARGES, FROM ANOTHER ONE OF THEIR VARIABLE ANNUITIES. BURTON, AWARE OF THE DAUGHTER'S COMPLAINT, OFFERED TO REIMBURSE THE COUPLE FOR THE SURRENDER CHARGES. WHILE REGISTERED WITH FINRA THROUGH THE ASSOCIATION OF HIS FIRM, BURTON WROTE THE CUSTOMERS A \$314.26 CHECK, OUT OF HIS COMMERCIAL ACCOUNT, IN ORDER TO REIMBURSE THEM FOR CHARGES THEY HAD INCURRED. BURTON MADE THIS PAYMENT TO THE COUPLE WITHOUT HIS FIRM'S KNOWLEDGE OR CONSENT.
<b>Current Status:</b>	Final
<b>Resolution:</b>	Acceptance, Waiver & Consent(AWC)
<b>Resolution Date:</b>	10/23/2013
<b>Sanctions Ordered:</b>	Civil and Administrative Penalty(ies)/Fine(s) Suspension
<b>If the regulator is the SEC, CFTC, or an SRO, did the action result in a finding of a willful violation or failure to supervise?</b>	No
<b>(1) willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board, or to have been unable to comply with any provision of such Act, rule or regulation?</b>	



**(2) willfully aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board? or**

**(3) failed reasonably to supervise another person subject to your supervision, with a view to preventing the violation by such person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any such Acts, or any of the rules of the Municipal Securities Rulemaking Board?**

**Sanction 1 of 1**

<b>Sanction Type:</b>	Suspension
<b>Capacities Affected:</b>	ANY CAPACITY
<b>Duration:</b>	10 BUSINESS DAYS
<b>Start Date:</b>	11/18/2013
<b>End Date:</b>	12/02/2013

**Monetary Sanction 1 of 1**

<b>Monetary Related Sanction:</b>	Civil and Administrative Penalty(ies)/Fine(s)
<b>Total Amount:</b>	\$5,000.00
<b>Portion Levied against individual:</b>	\$5,000.00
<b>Payment Plan:</b>	
<b>Is Payment Plan Current:</b>	
<b>Date Paid by individual:</b>	
<b>Was any portion of penalty waived?</b>	No

**Amount Waived:****Firm Statement**

WITHOUT ADMITTING OR DENYING THE FINDINGS, BURTON CONSENTED TO THE DESCRIBED SANCTIONS AND TO THE ENTRY OF FINDINGS, THEREFORE HE IS FINED \$5,000 AND SUSPENDED FROM ASSOCIATION WITH ANY FINRA MEMBER IN ANY CAPACITY FOR 10 BUSINESS DAYS. THE SUSPENSION IS IN EFFECT FROM NOVEMBER 18, 2013, THROUGH DECEMBER 2, 2013.

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**Reporting Source:**

Individual

**Regulatory Action Initiated By:**

FINRA

**Sanction(s) Sought:**

Other: N/A

**Date Initiated:**

10/23/2013

**Docket/Case Number:**[2013036824801](#)**Employing firm when activity occurred which led to the regulatory action:**

LPL FINANCIAL LLC

**Product Type:**

Annuity-Variable

**Allegations:**

FINRA RULE 2010: THE DAUGHTER OF A MARRIED COUPLE WHO WERE BURTON'S CUSTOMERS, SENT A LETTER TO BURTON'S MEMBER FIRM COMPLAINING ABOUT, AMONG OTHER THINGS, THE SURRENDER CHARGES ASSOCIATED WITH A VARIABLE ANNUITY HER PARENTS HAD PURCHASED EARLIER IN THE YEAR. THE MARRIED COUPLE WITHDREW \$5,314.26, WHICH INCLUDED \$314.26 IN SURRENDER CHARGES, FROM ANOTHER ONE OF THEIR VARIABLE ANNUITIES. BURTON, AWARE OF THE DAUGHTER'S COMPLAINT, OFFERED TO REIMBURSE THE COUPLE FOR THE SURRENDER CHARGES. WHILE REGISTERED WITH FINRA THROUGH THE ASSOCIATION OF HIS FIRM, BURTON WROTE THE CUSTOMERS A \$314.26 CHECK, OUT OF HIS COMMERCIAL ACCOUNT, IN ORDER TO REIMBURSE THEM FOR CHARGES THEY HAD INCURRED. BURTON MADE THIS PAYMENT TO THE COUPLE WITHOUT HIS FIRM'S KNOWLEDGE OR CONSENT.

**Current Status:**

Final

**Resolution:**

Acceptance, Waiver &amp; Consent(AWC)

**Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct?**

No

**Resolution Date:**

10/23/2013

**Sanctions Ordered:**Civil and Administrative Penalty(ies)/Fine(s)  
Suspension**Sanction 1 of 1****Sanction Type:**

Suspension

**Capacities Affected:**

ANY CAPACITY

**Duration:**

10 BUSINESS DAYS



**Start Date:** 11/18/2013

**End Date:** 12/02/2013

**Monetary Sanction 1 of 1**

**Monetary Related Sanction:** Civil and Administrative Penalty(ies)/Fine(s)

**Total Amount:** \$5,000.00

**Portion Levied against individual:** \$5,000.00

**Payment Plan:**

**Is Payment Plan Current:**

**Date Paid by individual:**

**Was any portion of penalty waived?** No

**Amount Waived:**

**Broker Statement**

THE COUPLE HAD BEEN A CLIENT OF MINE FOR OVER 10 YEARS. THEY HAD NEVER ASKED FOR WITHDRAWALS OVER THE YEARS. IN ORDER TO BUY A HOME CLOSER TO THEIR DAUGHTER I HELPED THE COUPLE WITHDRAW THE MAXIMUM "FREE" AMOUNT WITHOUT SURRENDER CHARGES. WHEN THE CLIENTS WANTED MORE MONEY FOR INCIDENTALS I HELPED THEM WITHDRAW THAT AMOUNT ALSO. BUT THIS SECOND AMOUNT HAD SURRENDER CHARGES ASSOCIATED WITH IT. SINCE THEY WERE CLIENTS OF MINE FOR A DECADE I OFFERED TO REFUND THE DIFFERENCE OF \$314.26. \*\*\* WITHOUT ADMITTING OR DENYING THE FINDINGS, BURTON CONSENTED TO THE DESCRIBED SANCTIONS AND TO THE ENTRY OF FINDINGS, THEREFORE HE IS FINED \$5,000 AND SUSPENDED FROM ASSOCIATION WITH ANY FINRA MEMBER IN ANY CAPACITY FOR 10 BUSINESS DAYS. THE SUSPENSION IS IN EFFECT FROM NOVEMBER 18, 2013, THROUGH DECEMBER 2, 2013.





### Customer Dispute

This section provides information regarding a customer dispute that was reported to the Investment Adviser Registration Depository (IARD) by the Investment Adviser Representative (IAR), an investment adviser and/or securities firm, and/or a securities regulator. The event may include a consumer-initiated, investment-related complaint, arbitration proceeding or civil suit that contains allegations of sales practice violations against the individual.

The customer dispute may be pending or may have resulted in a civil judgment, arbitration award, monetary settlement, closure without action, withdrawal, dismissal, denial, or other outcome.

#### Disclosure 1 of 2

**Reporting Source:** Firm

**Employing firm when activities occurred which led to the complaint:** INVESTORS CAPITAL

**Allegations:** MISREPRESENTATION BY REPRESENTATIVE OF HOLDING TIME FOR INVESTMENTS FROM PURCHASES MADE IN 2004 & 2005, INABILITY TO LIQUIDATE INVESTMENT AND FAILURE TO RECEIVE DISTRIBUTIONS

**Product Type:** Real Estate Security

**Alleged Damages:** \$5,000.00

**Alleged Damages Amount Explanation (if amount not exact):** NONE SPECIFIED, HOWEVER THE FIRM HAS MADE A GOOD FAITH DETERMINATION THAT IT EXCEEDS \$5,000.00

**Is this an oral complaint?** No

**Is this a written complaint?** Yes

**Is this an arbitration/CFTC reparation or civil litigation?** No

### Customer Complaint Information

**Date Complaint Received:** 03/04/2014

**Complaint Pending?** No

**Status:** Denied

**Status Date:** 03/26/2014

**Settlement Amount:**

#### Individual Contribution Amount:

.....

**Reporting Source:** Individual

**Employing firm when activities occurred which led to the complaint:** INVESTORS CAPITAL

**Allegations:** MISREPRESENTATION BY REPRESENTATIVE OF HOLDING TIME FOR INVESTMENTS FROM PURCHASES MADE IN 2004 & 2005, INABILITY TO LIQUIDATE INVESTMENT AND FAILURE TO RECEIVE DISTRIBUTIONS

**Product Type:** Real Estate Security

**Alleged Damages:** \$5,000.00

**Alleged Damages Amount** NONE SPECIFIED, HOWEVER THE FIRM HAS MADE A GOOD FAITH



**Explanation (if amount not exact):** DETERMINATION THAT IT EXCEEDS \$5,000.00

**Is this an oral complaint?** No

**Is this a written complaint?** Yes

**Is this an arbitration/CFTC reparation or civil litigation?** No

**Customer Complaint Information**

**Date Complaint Received:** 03/04/2014

**Complaint Pending?** No

**Status:** Denied

**Status Date:** 03/26/2014

**Settlement Amount:**

**Individual Contribution Amount:**

**Disclosure 2 of 2**

**Reporting Source:** Firm

**Employing firm when activities occurred which led to the complaint:** INVESTORS CAPITAL CORP.

**Allegations:** SUITABILITY & CONVERTING SHARES SO THEY COULD BE LIQUIDATED.

**Product Type:** Real Estate Security

**Alleged Damages:** \$0.00

**Alleged Damages Amount Explanation (if amount not exact):** NONE SPECIFIED, HOWEVER THE FIRM HAS MADE A GOOD FAITH DETERMINATION THAT IT EXCEEDS \$5,000.00

**Is this an oral complaint?** No

**Is this a written complaint?** Yes

**Is this an arbitration/CFTC reparation or civil litigation?** No

**Customer Complaint Information**

**Date Complaint Received:** 08/02/2012

**Complaint Pending?** No

**Status:** Denied

**Status Date:** 08/15/2012

**Settlement Amount:**

**Individual Contribution Amount:**

**Firm Statement** THE FIRM WAS ABLE TO CONVERT THE CLIENTS RESTRICTED B SHARES TO CLASS A SHARES, WHICH WERE SUBSEQUENTLY LIQUIDATED AT THE CLIENTS REQUEST ON 8/3/12.



**Reporting Source:** Individual

**Employing firm when activities occurred which led to the complaint:** INVESTORS CAPITAL CORP.

**Allegations:** SUITABILITY & CONVERTING SHARES SO THEY COULD BE LIQUIDATED.

**Product Type:** Real Estate Security

**Alleged Damages:** \$0.00

**Alleged Damages Amount Explanation (if amount not exact):** NONE SPECIFIED, HOWEVER THE FIRM HAS MADE A GOOD FAITH DETERMINATION THAT IT EXCEEDS \$5,000

**Is this an oral complaint?** No

**Is this a written complaint?** Yes

**Is this an arbitration/CFTC reparation or civil litigation?** No

### Customer Complaint Information

**Date Complaint Received:** 08/02/2012

**Complaint Pending?** No

**Status:** Denied

**Status Date:** 08/15/2012

**Settlement Amount:**

**Individual Contribution Amount:**

**Broker Statement** THE FIRM WAS ABLE TO CONVERT THE CLIENT'S RESTRICTED B SHARES TO CLASS A SHARES, WHICH WERE SUBSEQUENTLY LIQUIDATED AT THE CLIENT'S REQUEST ON 8/3/12.



## End of Report

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