

BrokerCheck Report

JOHN HILLMAN TIMBERLAKE

CRD# 2109445

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Please be aware that fraudsters may link to BrokerCheck 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.

About BrokerCheck®

BrokerCheck offers information on all current, and many former, registered securities brokers, and all current and former registered securities firms. FINRA strongly encourages investors to use BrokerCheck to check the background of securities brokers and brokerage firms before deciding to conduct, or continue to conduct, business with them.

- **What is included in a BrokerCheck report?**

- BrokerCheck reports for individual brokers include information such as employment history, professional qualifications, disciplinary actions, criminal convictions, civil judgments and arbitration awards. BrokerCheck reports for brokerage firms include information on a firm's profile, history, and operations, as well as many of the same disclosure events mentioned above.

- Please note that the information contained in a BrokerCheck 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 broker or brokerage firm, or concluded through a negotiated settlement with no admission or finding of wrongdoing.

- **Where did this information come from?**

- The information contained in BrokerCheck comes from FINRA's Central Registration Depository, or CRD® and is a combination of:

- o information FINRA and/or the Securities and Exchange Commission (SEC) require brokers and brokerage firms to submit as part of the registration and licensing process, and
- o information that regulators report regarding disciplinary actions or allegations against firms or brokers.

- **How current is this information?**

- Generally, active brokerage firms and brokers are required to update their professional and disciplinary information in CRD within 30 days. Under most circumstances, information reported by brokerage firms, brokers and regulators is available in BrokerCheck the next business day.

- **What if I want to check the background of an investment adviser firm or investment adviser representative?**

- To check the background of an investment adviser firm or representative, you can search for the firm or individual in BrokerCheck. If your search is successful, click on the link provided to view the available licensing and registration information in the SEC's Investment Adviser Public Disclosure (IAPD) website at <https://www.adviserinfo.sec.gov>. In the alternative, you may search the IAPD website directly or contact your state securities regulator at <http://www.finra.org/Investors/ToolsCalculators/BrokerCheck/P455414>.

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

- FINRA recommends that you learn as much as possible about an investment professional before deciding to work with them. Your state securities regulator can help you research brokers and investment adviser representatives doing business in your state.



Using this site/information means that you accept the FINRA BrokerCheck Terms and Conditions. A complete list of Terms and Conditions can be found at

brokercheck.finra.org



For additional information about the contents of this report, please refer to the User Guidance or www.finra.org/brokercheck. It provides a glossary of terms and a list of frequently asked questions, as well as additional resources.

[For more information about FINRA, visit www.finra.org.](http://www.finra.org)

Thank you for using FINRA BrokerCheck.

JOHN H. TIMBERLAKE

CRD# 2109445

This broker is not currently registered.

Report Summary for this Broker

This report summary provides an overview of the broker's professional background and conduct. Additional information can be found in the detailed report.

Broker Qualifications

This broker is not currently registered.

This broker has passed:

- 0 Principal/Supervisory Exams
- 2 General Industry/Product Exams
- 2 State Securities Law Exams

Registration History

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

- B** **CARTER, TERRY & COMPANY, INC.**
CRD# 16365
ATLANTA, GA
07/2016 - 05/2020
- B** **SUNTRUST INVESTMENT SERVICES, INC.**
CRD# 17499
ATLANTA, GA
09/2013 - 04/2016
- B** **J.P. MORGAN SECURITIES LLC**
CRD# 79
ATLANTA, GA
06/1992 - 01/2012

Disclosure Events

All individuals registered to sell securities or provide investment advice are required to disclose customer complaints and arbitrations, regulatory actions, employment terminations, bankruptcy filings, and criminal or civil judicial proceedings.

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

The following types of disclosures have been reported:

Type	Count
Regulatory Event	1
Customer Dispute	5
Termination	1

Investment Adviser Representative Information

The information below represents the individual's record as a broker. For details on this individual's record as an investment adviser representative, visit the SEC's Investment Adviser Public Disclosure website at

<https://www.adviserinfo.sec.gov>

Broker Qualifications



Registrations

This section provides the self-regulatory organizations (SROs) and U.S. states/territories the broker is currently registered and licensed with, the category of each license, and the date on which it became effective. This section also provides, for every brokerage firm with which the broker is currently employed, the address of each branch where the broker works.

This broker is not currently registered.



Broker Qualifications

Industry Exams this Broker has Passed

This section includes all securities industry exams that the broker has passed. Under limited circumstances, a broker may attain a registration after receiving an exam waiver based on exams the broker has passed and/or qualifying work experience. Any exam waivers that the broker has received are not included below.

This individual has passed 0 principal/supervisory exams, 2 general industry/product exams, and 2 state securities law exams.

Principal/Supervisory Exams

Exam	Category	Date
No information reported.		

General Industry/Product Exams

Exam	Category	Date
B Securities Industry Essentials Examination	SIE	10/01/2018
B General Securities Representative Examination	Series 7	06/01/1992

State Securities Law Exams

Exam	Category	Date
IA Uniform Investment Adviser Law Examination	Series 65	09/14/2013
B Uniform Securities Agent State Law Examination	Series 63	06/10/1992

Additional information about the above exams or other exams FINRA administers to brokers and other securities professionals can be found at www.finra.org/brokerqualifications/registeredrep/.

Broker Qualifications



Professional Designations

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

No information reported.



Registration and Employment History

Registration History

The broker previously was registered with the following firms:

Registration Dates	Firm Name	CRD#	Branch Location
B 07/2016 - 05/2020	CARTER, TERRY & COMPANY, INC.	16365	ATLANTA, GA
B 09/2013 - 04/2016	SUNTRUST INVESTMENT SERVICES, INC.	17499	ATLANTA, GA
B 06/1992 - 01/2012	J.P. MORGAN SECURITIES LLC	79	ATLANTA, GA

Employment History

This section provides up to 10 years of an individual broker's employment history as reported by the individual broker on the most recently filed Form U4.

Please note that the broker is required to provide this information only while registered with FINRA or a national securities exchange and the information is not updated via Form U4 after the broker ceases to be registered. Therefore, an employment end date of "Present" may not reflect the broker's current employment status.

Employment	Employer Name	Position	Investment Related	Employer Location
07/2016 - Present	Carter Terry & Company Inc	Registered Representative	Y	Atlanta, GA, United States
04/2016 - 07/2016	Unemployed	Unemployed	N	Atlanta, GA, United States
09/2014 - 04/2016	SUNTRUST INVESTMENT SERVICES, INC	CIC	Y	ATLANTA, GA, United States
08/2013 - 09/2014	SUNTRUST INVESTMENT SERVICES, INC.	FINANCIAL ADVISOR	Y	ATLANTA, GA, United States
01/2012 - 08/2013	FORM 4 BUYS LLC	FOUNDER AND CEO	N	ATLANTA, GA, United States

Other Business Activities

This section includes information, if any, as provided by the broker regarding other business activities the broker 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.

Form 4 Buys, LLC, 100% ownership,data newsletter, no longer active, now defunct. closed August 2013.



Disclosure Events

What you should know about reported disclosure events:

1. All individuals registered to sell securities or provide investment advice are required to disclose customer complaints and arbitrations, regulatory actions, employment terminations, bankruptcy filings, and criminal or civil judicial proceedings.
2. **Certain thresholds must be met before an event is reported to CRD, for example:**
 - o A law enforcement agency must file formal charges before a broker is required to disclose a particular criminal event.
 - o A customer dispute must involve allegations that a broker engaged in activity that violates certain rules or conduct governing the industry and that the activity resulted in damages of at least \$5,000.
 - o
3. **Disclosure events in BrokerCheck reports come from different sources:**
 - o As mentioned at the beginning of this report, information contained in BrokerCheck comes from brokers, brokerage 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 BrokerCheck report. The different versions will be separated by a solid line with the reporting source labeled.
 - o
4. **There are different statuses and dispositions for disclosure events:**
 - o A disclosure event may have a status of *pending*, *on appeal*, or *final*.
 - § A "pending" event involves allegations that have not been proven or formally adjudicated.
 - § An event that is "on appeal" involves allegations that have been adjudicated but are currently being appealed.
 - § A "final" event has been concluded and its resolution is not subject to change.
 - o A final 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 involves an agreement by the parties to resolve the matter. Please note that brokers and brokerage firms may choose to settle customer disputes or regulatory matters for business or other reasons.
 - § A "resolved" matter usually involves no payment to the customer and no finding of wrongdoing on the part of the individual broker. Such matters generally involve customer disputes.

For your convenience, below is a matrix of the number and status of disclosure events involving this broker. Further information regarding these events can be found in the subsequent pages of this report. You also may wish to contact the broker to obtain further information regarding these events.

	Pending	Final	On Appeal
Regulatory Event	0	1	0
Customer Dispute	1	4	N/A
Termination	N/A	1	N/A



Disclosure Event Details

When evaluating this information, please keep in mind that a disclosure event may be pending or involve allegations that are contested and have not been resolved or proven. The matter may, in the end, be withdrawn, dismissed, resolved in favor of the broker, or concluded through a negotiated settlement for certain business reasons (e.g., to maintain customer relationships or to limit the litigation costs associated with disputing the allegations) with no admission or finding of wrongdoing.

This report provides the information exactly as it was reported to CRD and therefore some of the specific data fields contained in the report may be blank if the information was not provided to CRD.

Regulatory - Final

This type of disclosure event may involve (1) a final, formal proceeding initiated by a regulatory authority (e.g., a state securities agency, self-regulatory organization, federal regulatory such as the Securities and Exchange Commission, foreign financial regulatory body) for a violation of investment-related rules or regulations; or (2) a revocation or suspension of a broker's authority to act as an attorney, accountant, or federal contractor.

Disclosure 1 of 1

Reporting Source: Regulator

Regulatory Action Initiated By: FINRA

Sanction(s) Sought:

Date Initiated: 11/18/2020

Docket/Case Number: [2019064516901](#)

Employing firm when activity occurred which led to the regulatory action: SunTrust Investment Services, Inc

Product Type: Other: Unspecified securities

Allegations: Without admitting or denying the findings, Timberlake consented to the sanctions and to the entry of findings that he used his personal cellular phone to exchange numerous business and securities related text messages with customers without providing copies to his member firms, thereby preventing the firms from preserving the communications. The findings stated that Timberlake confirmed orders, communicated regarding specific securities and related news, and texted the customers information about their profits and losses. The findings also stated that Timberlake sent text messages to a customer that included promissory, exaggerated, unwarranted, and misleading statements.

Current Status: Final



Resolution: Acceptance, Waiver & 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: 11/18/2020

Sanctions Ordered: Civil and Administrative Penalty(ies)/Fine(s)
Suspension

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? 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:	All Capacities
Duration:	Four months
Start Date:	12/07/2020
End Date:	04/06/2021



Monetary Sanction 1 of 1

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

Total Amount: \$10,000.00

Portion Levied against individual: \$10,000.00

Payment Plan: Deferred

Is Payment Plan Current:

Date Paid by individual:

Was any portion of penalty waived? No

Amount Waived:



Customer Dispute - Settled

This type of disclosure event involves a consumer-initiated, investment-related complaint, arbitration proceeding or civil suit containing allegations of sale practice violations against the broker that resulted in a monetary settlement to the customer.

Disclosure 1 of 3

Reporting Source:	Firm
Employing firm when activities occurred which led to the complaint:	SunTrust Investment Services
Allegations:	Unsuitable recommendation of speculative investment strategy in various thinly traded securities and guarantee of performance
Product Type:	Equity-OTC
Alleged Damages:	\$88,700.00
Alleged Damages Amount Explanation (if amount not exact):	This number represents the position acquisition cost, less the proceeds the clients would have received had they liquidated their positions at the high price on the date of ACAT
Is this an oral complaint?	No
Is this a written complaint?	No
Is this an arbitration/CFTC reparation or civil litigation?	Yes
Arbitration/Reparation forum or court name and location:	FINRA Arbitration
Docket/Case #:	19-02996
Filing date of arbitration/CFTC reparation or civil litigation:	10/11/2019

Customer Complaint Information

Date Complaint Received:	10/16/2019
Complaint Pending?	No
Status:	Settled
Status Date:	05/13/2020
Settlement Amount:	\$50,000.00



Individual Contribution Amount: \$0.00

Arbitration Information

Arbitration/CFTC reparation claim filed with (FINRA, AAA, CFTC, etc.): FINRA

Docket/Case #: [19-02966](#)

Date Notice/Process Served: 10/11/2019

Arbitration Pending? No

Disposition: Settled

Disposition Date: 05/14/2020

Monetary Compensation Amount: \$50,000.00

Individual Contribution Amount: \$0.00

Reporting Source: Firm

Employing firm when activities occurred which led to the complaint: Suntrust Investment Services Inc. and Carter Terry & Co. Imnc

Allegations: Suitability

Product Type: Equity-OTC

Alleged Damages: \$0.00

Alleged Damages Amount Explanation (if amount not exact): A sepcified amount was not determined but the claim indicated more than \$5,000

Is this an oral complaint? No

Is this a written complaint? No

Is this an arbitration/CFTC reparation or civil litigation? Yes

Arbitration/Reparation forum or court name and location: FINRA Arbitration - Atlanta



Docket/Case #: 19-02996
Filing date of arbitration/CFTC reparation or civil litigation: 10/11/2019

Customer Complaint Information

Date Complaint Received: 10/16/2019
Complaint Pending? No
Status: Settled
Status Date: 05/11/2020
Settlement Amount: \$100,000.00
Individual Contribution Amount: \$0.00

Reporting Source: Broker
Employing firm when activities occurred which led to the complaint: SunTrust Investment Services and Carter Terry & Co. Inc.
Allegations: Unsuitability
Product Type: Equity-OTC
Alleged Damages: \$0.00
Alleged Damages Amount Explanation (if amount not exact): A specified amount has not yet been determined but the claim is indicated for more than \$5,000.
Is this an oral complaint? No
Is this a written complaint? No
Is this an arbitration/CFTC reparation or civil litigation? Yes
Arbitration/Reparation forum or court name and location: FINRA Arbitration
Docket/Case #: 19-02996



Filing date of arbitration/CFTC reparation or civil litigation: 10/11/2019

Customer Complaint Information

Date Complaint Received: 10/16/2019

Complaint Pending? Yes

Settlement Amount:

Individual Contribution Amount:

Disclosure 2 of 3

Reporting Source: Firm

Employing firm when activities occurred which led to the complaint: Suntrust Investment Services, Inc.

Allegations: The client's attorney alleges the firm and the former representative failed to present suitable investments, implement an appropriate investment strategy, and properly manage the account

Product Type: Equity Listed (Common & Preferred Stock)

Alleged Damages: \$102,000.00

Is this an oral complaint? No

Is this a written complaint? Yes

Is this an arbitration/CFTC reparation or civil litigation? Yes

Arbitration/Reparation forum or court name and location: FINRA Arbitration- Atlanta, GA.

Docket/Case #: 19-00612

Filing date of arbitration/CFTC reparation or civil litigation: 02/28/2019

Customer Complaint Information

Date Complaint Received: 03/05/2019

Complaint Pending? No



Status: Settled
Status Date: 06/12/2019
Settlement Amount: \$55,000.00
Individual Contribution Amount: \$0.00

Reporting Source: Broker
Employing firm when activities occurred which led to the complaint: Suntrust Investment Services Inc.

Allegations: The client's attorney alleges the firm and former representative failed to present suitable investments, implement an appropriate investment strategy and properly manage the account.

Product Type: Equity Listed (Common & Preferred Stock)

Alleged Damages: \$102,000.00

Is this an oral complaint? No

Is this a written complaint? Yes

Is this an arbitration/CFTC reparation or civil litigation? Yes

Arbitration/Reparation forum or court name and location: FINRA Arbitration - Atlanta

Docket/Case #: 19-00612

Filing date of arbitration/CFTC reparation or civil litigation: 02/28/2019

Customer Complaint Information

Date Complaint Received: 03/14/2019

Complaint Pending? No

Status: Settled

Status Date: 06/12/2019

Settlement Amount: \$55,000.00



Individual Contribution Amount: \$0.00

Broker Statement Mr. Timberlake has not received anything from FINRA nor his prior firm regarding this complaint. He is unaware of any of the details of the complaint except for what was ascertained by the newly filed Form U5 by his prior firm through the FINRA Disclosure Review. Mr. Timberlake was not named in the filing or arbitration. He had no knowledge of the settlement nor did he have any monetary contribution to the settlement.

Disclosure 3 of 3

Reporting Source: Broker

Employing firm when activities occurred which led to the complaint: SunTrust Investment Services, Inc.

Allegations: Client is upset over margin call caused by increase in requirement of Empire Resorts (NYNY) after 1-5 reverse split and the client alleged transactions were unsuitable.

Product Type: Equity Listed (Common & Preferred Stock)

Alleged Damages: \$105,831.82

Alleged Damages Amount Explanation (if amount not exact): The firm settled with the client by reimbursing all commissions.

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: 01/20/2016

Complaint Pending? No

Status: Settled

Status Date: 02/11/2016

Settlement Amount: \$105,831.82

Individual Contribution Amount: \$0.00



Customer Dispute - Closed-No Action / Withdrawn / Dismissed / Denied

This type of disclosure event involves (1) a consumer-initiated, investment-related arbitration or civil suit containing allegations of sales practice violations against the individual broker that was dismissed, withdrawn, or denied; or (2) a consumer-initiated, investment-related written complaint containing allegations that the broker engaged in sales practice violations resulting in compensatory damages of at least \$5,000, forgery, theft, or misappropriation, or conversion of funds or securities, which was closed without action, withdrawn, or denied.

Disclosure 1 of 1

Reporting Source:	Firm
Employing firm when activities occurred which led to the complaint:	Carter Terry & Co. Inc
Allegations:	Client alleged poor performance of his investments, as well as unauthorized and unsuitable trades.
Product Type:	Equity-OTC
Alleged Damages:	\$0.00
Alleged Damages Amount Explanation (if amount not exact):	No specific demand made; alleged damages believed to be in excess of \$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:	07/08/2020
Complaint Pending?	No
Status:	Denied
Status Date:	08/12/2020
Settlement Amount:	
Individual Contribution Amount:	
Firm Statement	At this time, the firm believes the complaint to be without merit, but must report it due to regulatory requirements. The client alleges that the trading activity was unsuitable, but the activity was consistent with the client's written investment objectives and risk tolerance. The firm found no evidence that any trades were



unauthorized. The client never previously objected to any trade as being unauthorized, each of which was reported to the client via a confirmation and all trading activity appeared on account statements. As such, the firm has denied the complaint.



Customer Dispute - Pending

This type of disclosure event involves (1) a pending consumer-initiated, investment-related arbitration or civil suit that contains allegations of sales practice violations against the broker; or (2) a pending, consumer-initiated, investment-related written complaint containing allegations that the broker engaged in, sales practice violations resulting in compensatory damages of at least \$5,000, forgery, theft, or misappropriation, or conversion of funds or securities.

Disclosure 1 of 1

Reporting Source:	Firm
Employing firm when activities occurred which led to the complaint:	Carter Terry & Co. Inc
Allegations:	Client alleged poor performance of his investments, as well as unauthorized and unsuitable trades.
Product Type:	No Product
Alleged Damages:	\$0.00
Alleged Damages Amount Explanation (if amount not exact):	No specific demand made; alleged damages believed to be in excess of \$5,000
Arbitration Information	
Arbitration/CFTC reparation claim filed with (FINRA, AAA, CFTC, etc.):	FINRA
Docket/Case #:	20-04055
Date Notice/Process Served:	12/15/2020
Arbitration Pending?	Yes



Employment Separation After Allegations

This type of disclosure event involves a situation where the broker voluntarily resigned, was discharged, or was permitted to resign after being accused of (1) violating investment-related statutes, regulations, rules or industry standards of conduct; (2) fraud or the wrongful taking of property; or (3) failure to supervise in connection with investment-related statutes, regulations, rules, or industry standards of conduct.

Disclosure 1 of 1

Reporting Source:	Firm
Employer Name:	Carter Terry & Co. Inc
Termination Type:	Discharged
Termination Date:	05/18/2020
Allegations:	Violated Firm policy regarding the use of text messages with clients
Product Type:	No Product

End of Report



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