

BrokerCheck Report

ERNEST FREDERICK MARTINEZ

CRD# 2167081

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When communicating online or investing with any professional, make sure you know who you're dealing with. [Imposters](#) might link to sites like BrokerCheck from [phishing](#) or similar scam websites, or through [social media](#), trying to steal your personal information or your money.

Please contact FINRA with any concerns.

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.

Thank you for using FINRA BrokerCheck.



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.

**ERNEST F. MARTINEZ**

CRD# 2167081

Currently employed by and registered with the following Firm(s):

IA MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
 28202 CABOT RD
 LAGUNA NIGUEL, CA 92677
 CRD# 7691
 Registered with this firm since: 10/23/2009

B MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
 28202 CABOT RD
 LAGUNA NIGUEL, CA 92677
 CRD# 7691
 Registered with this firm since: 10/23/2009

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 registered with:

- 6 Self-Regulatory Organizations
- 23 U.S. states and territories

This broker has passed:

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

Registration History

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

- IA BANC OF AMERICA INVESTMENT SERVICES, INC.**
 CRD# 16361
 BOSTON, MA
 09/2000 - 10/2009
- B BANC OF AMERICA INVESTMENT SERVICES, INC.**
 CRD# 16361
 FULLERTON, CA
 07/1999 - 10/2009
- B BA INVESTMENT SERVICES, INC.**
 CRD# 12965
 OAKLAND, CA
 04/1999 - 07/1999

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
Customer Dispute	2



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 individual is currently registered with 6 SROs and is licensed in 23 U.S. states and territories through his or her employer.

Employment 1 of 1

Firm Name: **MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED**

Main Office Address: **ONE BRYANT PARK
NEW YORK, NY 10036**

Firm CRD#: **7691**

	SRO	Category	Status	Date
B	Cboe BYX Exchange, Inc.	General Securities Representative	Approved	05/06/2014
B	Cboe BZX Exchange, Inc.	General Securities Representative	Approved	05/06/2014
B	Cboe Exchange, Inc.	General Securities Representative	Approved	10/26/2009
B	FINRA	General Securities Representative	Approved	10/23/2009
B	Nasdaq Stock Market	General Securities Representative	Approved	10/26/2009
B	New York Stock Exchange	General Securities Representative	Approved	10/26/2009

	U.S. State/ Territory	Category	Status	Date
B	Arizona	Agent	Approved	07/13/2015
B	California	Agent	Approved	10/23/2009
IA	California	Investment Adviser Representative	Approved	10/23/2009
B	Colorado	Agent	Approved	11/05/2018
B	Connecticut	Agent	Approved	10/21/2010
B	Delaware	Agent	Approved	10/27/2011
B	Florida	Agent	Approved	10/23/2009

Broker Qualifications



Employment 1 of 1, continued

	U.S. State/ Territory	Category	Status	Date
B	Georgia	Agent	Approved	02/21/2024
B	Hawaii	Agent	Approved	07/29/2020
B	Idaho	Agent	Approved	02/20/2015
B	Illinois	Agent	Approved	02/22/2024
B	Kentucky	Agent	Approved	05/04/2023
B	Minnesota	Agent	Approved	03/11/2020
B	Nebraska	Agent	Approved	05/19/2021
B	Nevada	Agent	Approved	02/23/2018
B	New York	Agent	Approved	10/23/2009
B	Ohio	Agent	Approved	02/25/2013
B	Oregon	Agent	Approved	03/05/2013
B	Pennsylvania	Agent	Approved	12/23/2013
B	South Carolina	Agent	Approved	03/29/2023
B	Tennessee	Agent	Approved	05/17/2021
B	Texas	Agent	Approved	10/23/2009
IA	Texas	Investment Adviser Representative	Restricted Approval	06/15/2012
B	Washington	Agent	Approved	06/11/2012
B	West Virginia	Agent	Approved	02/10/2023

Branch Office Locations

MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
28202 CABOT RD

Broker Qualifications



Employment 1 of 1, continued

LAGUNA NIGUEL, CA 92677



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. A passed exam or exam waiver does not permit a broker to do business without an active SRO or state registration.

This individual has passed 0 principal/supervisory exams, 3 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 National Commodity Futures Examination	Series 3	10/19/1993
B General Securities Representative Examination	Series 7	09/20/1991

State Securities Law Exams

Exam	Category	Date
IA Uniform Investment Adviser Law Examination	Series 65	02/08/1994
B Uniform Securities Agent State Law Examination	Series 63	10/03/1991

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
IA 09/2000 - 10/2009	BANC OF AMERICA INVESTMENT SERVICES, INC.	16361	FULLERTON, CA
B 07/1999 - 10/2009	BANC OF AMERICA INVESTMENT SERVICES, INC.	16361	FULLERTON, CA
B 04/1999 - 07/1999	BA INVESTMENT SERVICES, INC.	12965	OAKLAND, CA
B 04/1997 - 05/1998	SMITH BARNEY INC.	7059	NEW YORK, NY
B 04/1994 - 11/1996	SMITH BARNEY INC.	7059	NEW YORK, NY
B 09/1991 - 04/1994	DEAN WITTER REYNOLDS INC.	7556	PURCHASE, NY

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
05/2011 - Present	BANK OF AMERICA, N.A.	Senior Financial Advisor	Y	LAGUNA NIGUEL, CA, United States
10/2009 - Present	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED	Senior Financial Advisor	Y	LAGUNA NIGUEL, CA, 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.

No information reported.

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
Customer Dispute	0	2	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.

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 1

Reporting Source:	Broker
Employing firm when activities occurred which led to the complaint:	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
Allegations:	THE CUSTOMER ALLEGES MISREPRESENTATION AND OMISSION OF MATERIAL FACTS FROM MAY 2012 TO SEPTEMBER 2013.
Product Type:	Mutual Fund
Alleged Damages:	\$24,130.00
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:	09/10/2013
Complaint Pending?	No
Status:	Settled
Status Date:	12/12/2013
Settlement Amount:	\$12,598.63
Individual Contribution Amount:	\$0.00



Broker Statement

THIS MATTER WAS SETTLED IN ORDER TO AVOID THE COST OF POTENTIAL LITIGATION. THE FINANCIAL ADVISOR DID NOT CONTRIBUTE MONETARILY TOWARDS THE SETTLEMENT.



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:	Broker
Employing firm when activities occurred which led to the complaint:	BANC OF AMERICA INVESTMENT SERVICES, INC.
Allegations:	CUSTOMERS CLAIM THE FINANCIAL ADVISOR DID NOT DISCLOSE RISKS AND FEES ASSOCIATED WITH VARIABLE ANNUITIES PURCHASED IN MARCH 2008. FURTHER, THEY CLAIM THEY DID NOT RECEIVE CONTRACT FOR PRODUCT. COMPENSATORY DAMAGES OF \$66,028 SPECIFIED.
Product Type:	Annuity(ies) - Variable
Alleged Damages:	\$66,028.00

Customer Complaint Information

Date Complaint Received:	12/04/2008
Complaint Pending?	No
Status:	Denied
Status Date:	02/20/2009
Settlement Amount:	
Individual Contribution Amount:	
Broker Statement	INVESTIGATION DETERMINED THAT CLIENTS' ALLEGATIONS HAD NO MERIT. AXA, FOR UNRELATED ISSUES, CANCELLED CONTRACTS AND RETURNED PREMIUMS PAID.

End of Report



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