

# **BrokerCheck Report**

# **Brett Howard Macbain**

CRD# 4567378

Section Title	Page(s)
Report Summary	1
Broker Qualifications	2 - 4
Registration and Employment History	6 - 7
Disclosure Events	8



When communicating online or investing with any professional, make sure you know who you're dealing with. <u>Imposters</u> might link to sites like BrokerCheck from <u>phishing</u> or similar scam websites, or through <u>social media</u>, 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.

www.finra.org/brokercheck
User Guidance

### **Brett H. Macbain**

CRD# 4567378

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

LPL FINANCIAL LLC
2 INDUSTRIAL WAY W STE 202A
EATONTOWN, NJ 07724
CRD# 6413
Registered with this firm since: 04/08/2021

B LPL FINANCIAL LLC
2 INDUSTRIAL WAY W STE 202A
EATONTOWN, NJ 07724
CRD# 6413
Registered with this firm since: 04/08/2021

## **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:

- 1 Self-Regulatory Organization
- 12 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):

A SANTANDER SECURITIES

CRD# 41791 BOSTON, MA 01/2014 - 04/2021

B SANTANDER SECURITIES LLC CRD# 41791 ASBURY PARK, NJ 09/2012 - 04/2021

B LPL FINANCIAL LLC CRD# 6413 BELMAR, NJ 05/2008 - 09/2012

#### **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:

Туре	Count	
Customer Dispute	5	

### **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 1 SRO and is licensed in 12 U.S. states and territories through his or her employer.

# Employment 1 of 1

Firm Name: LPL FINANCIAL LLC

Main Office Address: 1055 LPL WAY

FORT MILL, SC 29715

Firm CRD#: **6413** 

	SRO	Category	Status	Date
B	FINRA	General Securities Representative	Approved	04/08/2021
B	FINRA	Invest. Co and Variable Contracts	Approved	04/08/2021
	U.S. State/ Territory	Category	Status	Date
B	Arizona	Agent	Approved	04/15/2021
В	California	Agent	Approved	08/21/2023
B	Delaware	Agent	Approved	10/17/2022
В	Florida	Agent	Approved	04/08/2021
B	Kentucky	Agent	Approved	12/23/2024
B	Maryland	Agent	Approved	03/28/2024
B	New Jersey	Agent	Approved	04/08/2021
IA	New Jersey	Investment Adviser Representative	Approved	04/08/2021
B	New York	Agent	Approved	04/08/2021
B	Ohio	Agent	Approved	03/09/2023
B	South Carolina	Agent	Approved	04/17/2025

# **Broker Qualifications**



# **Employment 1 of 1, continued**

	U.S. State/ Territory	Category	Status	Date
B	Texas	Agent	Approved	04/30/2021
B	Virginia	Agent	Approved	03/27/2024

## **Branch Office Locations**

LPL FINANCIAL LLC 2 INDUSTRIAL WAY W STE 202A EATONTOWN, NJ 07724

### **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	General Securities Representative Examination	Series 7	07/15/2010
В	Investment Company Products/Variable Contracts Representative Examination	Series 6	08/05/2002

### **State Securities Law Exams**

Exam		Category	Date
IA	Uniform Investment Adviser Law Examination	Series 65	01/07/2014
B	Uniform Securities Agent State Law Examination	Series 63	10/02/2002

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/.

www.finra.org/brokercheck
User Guidance

# **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:

Reg	istration Dates	Firm Name	CRD#	Branch Location
IA	01/2014 - 04/2021	SANTANDER SECURITIES	41791	ASBURY PARK, NJ
B	09/2012 - 04/2021	SANTANDER SECURITIES LLC	41791	ASBURY PARK, NJ
B	05/2008 - 09/2012	LPL FINANCIAL LLC	6413	BELMAR, NJ
B	08/2002 - 05/2008	IFMG SECURITIES, INC.	14416	NEPTUNE, NJ

### **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	<b>Employer Location</b>
04/2021 - Present	LPL Financial, LLC	Registered Representative	Υ	Eatontown, NJ, United States
09/2012 - 04/2021	Santander Securities, LLC	Financial Consultant	Υ	DORCHESTER, MA, United States
03/2001 - 04/2021	Santander Bank, NA	Bank Employee	N	Boston, MA, 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.

- 1. 4/8/2021 LOYALTY WEALTH MANAGEMENT Investment Related At Reported Business Location(s) DBA for LPL Business (entity for LPL business) 160 Hours Per Month/8 Hours During Securities Trading Time Spent 100%.
- 2. 4/8/2021 GLADSTONE WEALTH PARTNERS Investment Related At Reported Business Location(s) DBA for LPL Business (entity for LPL business) Time Spent 100%.
- 3. 4/8/2021 BOOK BROKERS Investment Related At Reported Business Location(s) Non-Variable Insurance Producer 2 Hours Per Month/0 Hours During Securities Trading.

# **Registration and Employment History**



### **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.
- 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.

#### 3. Disclosure events in BrokerCheck reports come from different sources:

 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.

0

#### 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	5	N/A



#### **Disclosure Event Details**

When evaluating this information, please keep in mind that a discloure 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 2

**Reporting Source:** Firm

**Employing firm when** 

activities occurred which led

to the complaint:

IFMG SECURITIES, INC.

PERSONAL REPRESENTATIVE AND BENEFICIARY OF DECEASED Allegations:

> CUSTOMER ALLEGES THAT VARIABLE ANNUITIES RECOMMENDED TO CUSTOMER IN OCTOBER 2006 AND AUGUST 2007 WAS UNSUITABLE. ALSO ALLEGES THAT THE CUSTOMER'S INSTRUCTIONS FROM DECEMBER 2007 WERE NOT FOLLOWED TO UPDATE BENEFICIARY INFORMATION ON A

FIXED ANNUITY CONTRACT.

**Product Type:** Annuity-Fixed

Annuity-Variable

\$460,382.54 Alleged Damages:

**Arbitration Information** 

**FINRA Arbitration/CFTC reparation** 

claim filed with (FINRA, AAA,

CFTC, etc.):

Docket/Case #: 14-03796

**Date Notice/Process Served:** 12/29/2014

**Arbitration Pending?** Nο

Disposition: Settled



**Disposition Date:** 03/07/2016

**Monetary Compensation** 

\$110,000.00

Amount:

**Individual Contribution** 

Amount:

\$0.00

Firm Statement MATTER WAS RESOLVED BY THE FIRM SOLEY AS A BUSINESS DECISION IN

ORDER TO AVOID COSTLY AND PROTRACTED ARBITRATION, AND WITHOUT ANY ADMISSION OF LIABILITY OR WRONGDOING, WHICH LIABILITY WAS (AND REMAINED) DENIED AT ALL TIMES. CLAIMS WERE DEFENSIBLE FOR

NUMEROUS FACTUAL AND LEGAL REASONS.

Reporting Source: Broker

Employing firm when

activities occurred which led

to the complaint:

IFMG SECURITIES, INC.

Allegations: PERSONAL REPRESENTATIVE AND BENEFICIARY OF DECEASED

CUSTOMER ALLEGES THAT VARIABLE ANNUITIES RECOMMENDED TO CUSTOMER IN OCTOBER 2006 AND AUGUST 2007 WAS UNSUITABLE. ALSO ALLEGES THAT THE CUSTOMER'S INSTRUCTIONS FROM DECEMBER 2007 WERE NOT FOLLOWED TO UPDATE BENEFICIARY INFORMATION ON A

FIXED ANNUITY CONTRACT.

Product Type: Annuity-Fixed

Annuity-Variable

Alleged Damages: \$460,382.54

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 DISPUTE RESOLUTION

**Docket/Case #:** 14-03796

Filing date of arbitration/CFTC reparation

or civil litigation:

01/30/2015

### **Customer Complaint Information**



**Date Complaint Received:** 01/30/2015

Complaint Pending? No

Status: Denied

**Status Date:** 01/04/2016

Settlement Amount: \$0.00

Individual Contribution \$0.00

Amount:

**Arbitration Information** 

Arbitration/CFTC reparation claim filed with (FINRA, AAA,

CFTC, etc.):

**FINRA** 

**Docket/Case #:** 14-03796

Date Notice/Process Served: 12/29/2014

**Arbitration Pending?** No

**Disposition:** Settled

**Disposition Date:** 03/07/2016

**Monetary Compensation** 

Amount:

\$110,000.00

**Individual Contribution** 

Amount:

\$0.00

Broker Statement MATTER WAS RESOLVED BY THE FIRM SOLEY AS A BUSINESS DECISION IN

ORDER TO AVOID COSTLY PROTRACTED ARBITRATION, AND WITHOUT ANY ADMISSION OF LIABILITY OR WRONGDOING, WHICH WAS (AND REMAINED) DENIED AT ALL TIMES. CLAIMS WERE DEFENSIBLE FOR NUMEROUS

FACTUAL AND LEGAL REASONS.

Disclosure 2 of 2

**Reporting Source:** Broker

Employing firm when

activities occurred which led to the complaint:

LPL FINANCIAL

Allegations: CUSTOMER ALLEGED THAT VARIABLE ANNUITY AND INDEX ANNUITY

PURCHASED IN JUNE AND JULY 2009, AND THAT PURCHASE OF MUNICIPAL BOND MUTUAL FUND IN AUGUST 2010, WERE UNSUITABLE. CUSTOMER



ALSO ALLEGED THAT SHE DID NOT RECEIVE CONTRACT FOR INDEX ANNUITY AND SOUGHT REVERSAL OF INDEX ANNUITY PURCHASE AND MUTUAL FUND PURCHASE. COMPENSATORY DAMAGES NOT SPECIFIED BUT REASONABLY BELIEVED TO BE OVER \$5,000.

Product Type: Mutual Fund

Alleged Damages: \$0.00

Alleged Damages Amount Explanation (if amount not exact):

DAMAGES UNSPECIFIED BUT REASONABLY BELIEVED TO BE GREATER

THAN \$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: 02/18/2011

Complaint Pending? No

Status: Settled

**Status Date:** 04/29/2011

Settlement Amount: \$11,000.00

**Individual Contribution** 

Amount:

\$0.00

Broker Statement TO AVOID THE TIME AND EXPENSE OF FURTHER PROCEEDING, FIRM

AGREED TO REIMBURSE CUSTOMER FOR THE APPROXIMATE COST OF SURRENDER OF INDEX ANNUITY. CUSTOMER'S CLAIM HAS NUMEROUS INCONSISTENCIES: SHE ACKNOWLEDGED RECEIPT OF VARIABLE ANNUITY CONTRACT THAT SHE PURCHASED IN JUNE 2009, AND ON WHICH SHE REALIZED A NET PROFIT OF APPROXIMATELY \$76,000 WHEN IT WAS LIQUIDATED IN JULY 2010, BUT CLAIMED THAT SHE DID NOT RECEIVE INDEX ANNUITY CONTRACT WHICH SHE PURCHASED AT APPROXIMATELY THE SAME TIME AS THE VARIABLE ANNUITY. CUSTOMER CLAIMED THAT SHE WANTED ONLY LIQUID INVESTMENTS, BUT REPRESENTATIVE'S MEETING NOTES CONFIRM THAT RECOMMENDATIONS WERE CONSISTENT

WITH CUSTOMER'S STATED INVESTMENT OBJECTIVES AT THE TIME, AND THAT THE ANNUITY INVESTMENTS WERE INTENDED FOR A LONGER

INVESTMENT HORIZON. THE DECLINE IN THE MUNICIPAL BOND MARKET IN LATE 2010 WAS THE PRINCIPAL CAUSE FOR THE DECLINE IN THE VALUE



OF THE MUNICIPAL BOND MUTUAL FUND. FINALLY, EVEN IF CUSTOMER LIQUIDATED INDEX ANNUITY AND MUTUAL FUNDS, HER NET PROFIT WOULD BE APPROXIMATELY \$52,000.



### 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 3

**Reporting Source:** Broker

Employing firm when activities occurred which led

to the complaint:

Santander Securities LLC

Allegations: Client states that fees and surrender charges associated with a variable annuity

were not disclosed.

**Product Type:** Annuity-Variable

Alleged Damages: \$0.00

Alleged Damages Amount Explanation (if amount not

exact):

exact

Client did not request a specific loss reimbursement, stated that he would

appreciate if we would waive charges in order that he withdraw a large amount or

the balance.

No

Is this an oral complaint? No

Is this a written complaint? Yes

Is this an arbitration/CFTC

reparation or civil litigation?

**Customer Complaint Information** 

**Date Complaint Received:** 04/25/2016

**Complaint Pending?** No

Status: Denied

**Status Date:** 05/24/2016

**Settlement Amount:** 

**Individual Contribution** 

**Amount:** 

Disclosure 2 of 3

Reporting Source: Broker



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

SANTANDER SECURITIES LLC

Allegations: ON 2/19/13 THE CLIENT AND THE RR AGREED TO MAKE SEVERAL

PURCHASES. THE CLIENT CHANGED HER MIND AND DROPPED TWO

LETTERS OFF AT THE RR'S BRANCH ON 2/21. THE RR INDICATED THAT THE LETTERS WERE DROPPED OFF ON 02/25/13, WHEN THE RR RECEIVED AND READ THE LETTERS AND CALLED THE CLIENT. THE RR SAID THAT DURING THE CALL ON 02/25/2013 THAT SHE HAD SOME QUESTIONS, WHICH THE RR ANSWERED DURING THE CALL. THE TRADES TOOK PLACE ON 2/25 AND

2/26/13.

**Product Type:** Mutual Fund

Unit Investment Trust

**Alleged Damages:** \$7,700.00

**Alleged Damages Amount Explanation (if amount not** 

exact):

THE CLIENT DID NOT CLAIM A LOSS, ONLY THAT SHE WANTED THE

TRADES REVERSED. WE CESTMATED THE DAMAGE BY USING THE MOST

RECENT MONTHLY STATEMENT.

Is this an oral complaint? Nο

Is this a written complaint? Yes

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

## **Customer Complaint Information**

**Date Complaint Received:** 05/02/2013

**Complaint Pending?** No

Closed/No Action Status:

Status Date: 03/06/2015

**Settlement Amount:** 

**Individual Contribution** 

Amount:

ON 2/19/13 THE CLIENT AND THE RR AGREED. AFTER A FINANCIAL REVIEW. **Broker Statement** 

> TO MAKE SEVERAL PURCHASES. THE TRADES WERE PLACED BY THE RR ON 2/21 AND 2/22. THE CLIENT DEVELOPED SOME CONCERNS AND DROPPED OFF TWO LETTERS, DATED 2/21/2013, AT THE RR'S BRANCH. THE RR STATES THAT HE RECEIVED THE LETTERS ON 02/25/13, AS SHOWN BY A DATE STAMPED FAX CONFIRM, AND CALLED THE CLIENT. THE RR



SAID THAT DURING THE CALL SHE HAD SOME QUESTIONS, WHICH THE RR ANSWERED, AND THE CLIENT INSTRUCTED THE RR TO MOVE FORWARD AND DISREGARD THE LETTERS.

Disclosure 3 of 3

Reporting Source: Broker
Employing firm when IFMG

activities occurred which led

to the complaint:

Allegations: CUSTOMER ALLEGES THAT RECOMMENDATION OF VAN KAMPEN SENIOR

LOAN FUND IN FEBRUARY 2007 WAS UNSUITABLE, AND SEEKS

RESCISSION. ALLEGED DAMAGES ARE NOT SPECIFIED BUT REASONABLE

BELIEVED TO BE OVER \$5,000.

Product Type: Mutual Fund(s)

Alleged Damages: \$5,000.00

**Customer Complaint Information** 

Date Complaint Received: 03/27/2009

**Complaint Pending?** No

Status: Denied

**Status Date:** 04/08/2009

**Settlement Amount:** 

**Individual Contribution** 

Amount:

# **End of Report**



This page is intentionally left blank.