

## BrokerCheck Report

**STUART PHILLIP MILLER**

CRD# 4851567

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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:
  - 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
  - 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](http://brokercheck.finra.org)



For additional information about the contents of this report, please refer to the User Guidance or [www.finra.org/brokercheck](http://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).



**STUART P. MILLER**  
CRD# 4851567

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** MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED  
CRD# 7691  
LA JOLLA, CA  
09/2005 - 06/2009
- B** MORGAN STANLEY DW INC.  
CRD# 7556  
PURCHASE, NY  
10/2004 - 09/2005

Disclosure Events

This broker has been involved in one or more disclosure events involving certain final criminal matters, regulatory actions, civil judicial proceedings, or arbitrations or civil litigations.

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

The following types of disclosures have been reported:

Type	Count
Regulatory Event	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), states and U.S. territories the broker is currently registered and licensed with, the category of each registration, and the date on which the registration became effective. This section also provides, for each 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. 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, 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>B</b> Futures Managed Funds Examination	Series 31	10/19/2004
<b>B</b> General Securities Representative Examination	Series 7	10/01/2004

### State Securities Law Exams

Exam	Category	Date
<b>IA</b> Uniform Investment Adviser Law Examination	Series 65	10/25/2004
<b>B</b> Uniform Securities Agent State Law Examination	Series 63	10/21/2004

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/](http://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 securities firms:

Registration Dates	Firm Name	CRD#	Branch Location
<div>B</div> 09/2005 - 06/2009	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED	7691	LA JOLLA, CA
<div>B</div> 10/2004 - 09/2005	MORGAN STANLEY DW 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
09/2005 - Present	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED	FINANCIAL ADVISOR	Y	LA JOLLA, CA, United States

# Disclosure Events



## What you should know about reported disclosure events:

- 1. **Disclosure events in BrokerCheck reports come from different sources:**
  - As mentioned at the beginning of this report, information contained in BrokerCheck comes from brokers, their employing firms, and regulators. When more than one source reports information for the same disclosure event, all versions of the event will appear in the BrokerCheck report. The different versions are separated by a solid line with the reporting source labeled.

For your convenience, below is a matrix of the number and status of regulatory 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.

	Final	On Appeal
Regulatory Event	1	0



## Disclosure Event Details

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 involves a final, formal proceeding initiated by a regulatory authority (e.g., a state securities agency, self-regulatory organization, federal regulator such as the Securities and Exchange Commission, foreign financial regulatory body) for a violation of investment-related rules or regulations.

#### 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>	01/03/2011
<b>Docket/Case Number:</b>	<a href="#">2009018219101</a>
<b>Employing firm when activity occurred which led to the regulatory action:</b>	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
<b>Product Type:</b>	Mutual Fund
<b>Allegations:</b>	FINRA RULE 2010, NASD RULES 2110, 2210, 2210(B)(1), 2210(C)(2), 2210(D)(1)(A), (B), (C) AND (D), 2210(D)(2)(C)(I) AND (II), 2210(E): MILLER AND ANOTHER INDIVIDUAL WERE BOTH TRAINEES IN A MEMBER FIRM'S PROFESSIONAL DEVELOPMENT PROGRAM AND THEY FORMED A PARTNERSHIP THROUGH WHICH THEY JOINTLY SOLICITED AND HANDLED CUSTOMER ACCOUNTS AS WELL AS SPLITTING ANY OF PRODUCTION CREDITS THAT EITHER GENERATED. AS PART OF THEIR EFFORTS TO ATTRACT CLIENTS, MILLER AND THE INDIVIDUAL CREATED A SPREADSHEET THAT SET A MODEL FUND PORTFOLIO THAT THEY EITHER PRESENTED TO POTENTIAL CUSTOMERS DURING MEETINGS OR SENT BY EMAIL OR MAIL TO PROSPECTIVE CUSTOMERS. THEY SENT A VERSION OF THEIR MODEL FUND PORTFOLIO TO APPROXIMATELY 600 POTENTIAL CUSTOMERS. THE MODEL PORTFOLIO INCLUDED A MIX OF APPROXIMATELY TWENTY CONSERVATIVE AND RISKY SECURITIES ALONG WITH A CHART OF HISTORY OF RETURNS EARNED BY THE INDIVIDUAL SECURITIES AND THE OVERALL PORTFOLIO; AND MILLER AND THE INDIVIDUAL, IN SOME COMMUNICATIONS WITH POTENTIAL CUSTOMERS, MISREPRESENTED THAT THIS WAS A PORTFOLIO THAT THEY MANAGED AND THAT THE STATED RETURNS WERE THEIR RETURNS. NEITHER



MILLER NOR THE INDIVIDUAL SOUGHT OR RECEIVED PRIOR APPROVAL FOR THE USE OF THE MODEL FUND PORTFOLIO OR PERMISSION OF ITS DISSEMINATION FROM A SUPERVISOR OF THE FIRM, NOR WERE THE MODEL PORTFOLIOS SPREADSHEET FILED WITH FINRA'S ADVERTISING REGULATION DEPARTMENT, AS REQUIRED. THE MODEL FUND PORTFOLIOS DID NOT INCLUDE ANY INFORMATION REGARDING THE RISKS ASSOCIATED WITH THE FUNDS, AND THE CHART DID NOT INCLUDE A SOUND BASIS FOR THE PERFORMANCE EVALUATION FOR EACH OF THE SECURITIES INCLUDED IN THE PORTFOLIO. THE MODEL PORTFOLIO ALSO FAILED TO IDENTIFY OR TO DISPLAY IN A PROMINENT FASHION MILLER'S AND THE OTHER INDIVIDUAL'S ASSOCIATION WITH THEIR FIRM. MILLER HAD HIS ASSISTANT TYPE UP A STOP TRANSFER LETTER AND HE FORGED A CUSTOMER SIGNATURE ON A LETTER MEANT TO PREVENT THE CUSTOMER FROM TRANSFERRING HIS ACCOUNT TO ANOTHER FIRM. MILLER ADMITTED TO HIS BRANCH MANAGER THAT HE HAD FORGED THE STOP TRANSFER REQUEST AND THE FIRM IMMEDIATELY TERMINATED MILLER'S EMPLOYMENT.

<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>	01/03/2011
<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

<b>Sanction Type:</b>	Suspension
<b>Capacities Affected:</b>	ALL CAPACITIES
<b>Duration:</b>	ONE YEAR
<b>Start Date:</b>	02/07/2011
<b>End Date:</b>	02/06/2012

#### Monetary Sanction 1 of 1

<b>Monetary Related Sanction:</b>	Monetary Penalty other than Fines
<b>Total Amount:</b>	\$10,000.00
<b>Portion Levied against individual:</b>	\$10,000.00
<b>Payment Plan:</b>	
<b>Is Payment Plan Current:</b>	No
<b>Date Paid by individual:</b>	
<b>Was any portion of penalty waived?</b>	No

#### Amount Waived:

<b>Regulator Statement</b>	WITHOUT ADMITTING OR DENYING THE FINDINGS, MILLER CONSENTED TO
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THE DESCRIBED SANCTIONS AND TO THE ENTRY OF FINDINGS; THEREFORE, HE IS FINED \$10,000 AND SUSPENDED FROM ASSOCIATION WITH ANY FINRA MEMBER IN ANY CAPACITY FOR ONE YEAR. THE FINE IS DUE AND PAYABLE EITHER IMMEDIATELY UPON RE-ASSOCIATION WITH A MEMBER FIRM FOLLOWING HIS SUSPENSION OR PRIOR TO ANY REQUEST FOR RELIEF FROM ANY STATUTORY DISQUALIFICATION RESULTING FROM THIS OR ANY OTHER EVENT OR PROCEEDING, WHICHEVER IS EARLIER. THE SUSPENSION IS IN EFFECT FROM FEBRUARY 7, 2011, THROUGH FEBRUARY 6, 2012.

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<b>Reporting Source:</b>	Firm
<b>Regulatory Action Initiated By:</b>	FINRA ENFORCEMENT DEPARTMENT
<b>Sanction(s) Sought:</b>	Suspension Other: CIVIL AND ADMINISTRATIVE PENALTY/FINE
<b>Date Initiated:</b>	01/03/2011
<b>Docket/Case Number:</b>	<a href="#">2009018219101</a>
<b>Employing firm when activity occurred which led to the regulatory action:</b>	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
<b>Product Type:</b>	Mutual Fund Other: ALTERNATIVE INVESTMENTS
<b>Allegations:</b>	ALLEGED VIOLATIONS OF NASD RULES 2210(B)(1), 2210(C)(2), 2210(D)(1)(A), 2210(D)(1)(B), 2210(D)(1)(C), 2210(D)(1)(D), 2210(D)(2)(C)(I), 2210(D)(2)(C)(II) AND 2210(E), NASD RULE 2110 AND FINRA RULE 2010.
<b>Current Status:</b>	Final
<b>Resolution:</b>	Acceptance, Waiver & Consent(AWC)
<b>Resolution Date:</b>	01/03/2011
<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**

<b>Sanction Type:</b>	Suspension
<b>Capacities Affected:</b>	ALL CAPACITIES
<b>Duration:</b>	ONE YEAR
<b>Start Date:</b>	02/07/2011
<b>End Date:</b>	02/06/2012

**Monetary Sanction 1 of 1**

<b>Monetary Related Sanction:</b>	Civil and Administrative Penalty(ies)/Fine(s)
<b>Total Amount:</b>	\$10,000.00
<b>Portion Levied against individual:</b>	\$10,000.00
<b>Payment Plan:</b>	INSTALLMENT PAYMENT PLAN
<b>Is Payment Plan Current:</b>	
<b>Date Paid by individual:</b>	
<b>Was any portion of penalty waived?</b>	No

**Amount Waived:**

## End of Report



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