

BrokerCheck Report
Bryan Richard Mackey
 CRD# 5444779

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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



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.



Bryan R. Mackey

CRD# 5444779

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

IA MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
 50 FOUNTAIN PLZ
 BUFFALO, NY 14202
 CRD# 7691
 Registered with this firm since: 02/06/2008

B MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
 50 FOUNTAIN PLZ
 BUFFALO, NY 14202
 CRD# 7691
 Registered with this firm since: 01/10/2008

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
- 35 U.S. states and territories

This broker has passed:

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

Registration History

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

No information reported.

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	1



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 35 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	05/07/2014
B	Cboe BZX Exchange, Inc.	General Securities Representative	Approved	05/07/2014
B	Cboe Exchange, Inc.	General Securities Representative	Approved	01/10/2008
B	FINRA	General Securities Representative	Approved	01/10/2008
B	Nasdaq Stock Market	General Securities Representative	Approved	01/10/2008
B	New York Stock Exchange	General Securities Representative	Approved	02/25/2008

	U.S. State/ Territory	Category	Status	Date
B	Arizona	Agent	Approved	05/29/2008
B	Arkansas	Agent	Approved	09/03/2020
B	California	Agent	Approved	04/07/2008
B	Colorado	Agent	Approved	02/05/2015
B	Connecticut	Agent	Approved	02/06/2008
IA	Connecticut	Investment Adviser Representative	Approved	02/06/2008
B	Delaware	Agent	Approved	09/10/2019

Broker Qualifications



Employment 1 of 1, continued

	U.S. State/ Territory	Category	Status	Date
B	District of Columbia	Agent	Approved	03/07/2018
B	Florida	Agent	Approved	05/29/2008
B	Georgia	Agent	Approved	05/29/2008
B	Idaho	Agent	Approved	10/21/2015
B	Illinois	Agent	Approved	01/27/2015
B	Indiana	Agent	Approved	05/29/2008
B	Maine	Agent	Approved	05/29/2008
B	Maryland	Agent	Approved	04/15/2013
B	Massachusetts	Agent	Approved	05/29/2008
B	Michigan	Agent	Approved	05/26/2017
B	Minnesota	Agent	Approved	01/18/2013
B	Montana	Agent	Approved	11/23/2020
B	New Hampshire	Agent	Approved	05/29/2008
B	New Jersey	Agent	Approved	05/29/2008
B	New Mexico	Agent	Approved	03/31/2017
B	New York	Agent	Approved	02/05/2008
IA	New York	Investment Adviser Representative	Approved	04/06/2021
B	North Carolina	Agent	Approved	05/30/2008
B	Ohio	Agent	Approved	05/30/2008
B	Oregon	Agent	Approved	06/12/2017
B	Pennsylvania	Agent	Approved	05/29/2008



Broker Qualifications

Employment 1 of 1, continued

	U.S. State/ Territory	Category	Status	Date
B	Rhode Island	Agent	Approved	04/11/2013
B	South Carolina	Agent	Approved	10/22/2019
B	Tennessee	Agent	Approved	10/14/2019
B	Texas	Agent	Approved	12/15/2016
IA	Texas	Investment Adviser Representative	Restricted Approval	05/18/2011
B	Vermont	Agent	Approved	03/12/2018
B	Virginia	Agent	Approved	05/29/2008
B	Washington	Agent	Approved	02/02/2018
B	Wisconsin	Agent	Approved	08/20/2015
B	Wyoming	Agent	Approved	05/11/2018

Branch Office Locations

MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
 50 FOUNTAIN PLZ
 BUFFALO, NY 14202



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 1 state securities law exam.

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	01/09/2008

State Securities Law Exams

Exam	Category	Date
B IA Uniform Combined State Law Examination	Series 66	02/04/2008

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
No information reported.			

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
06/2011 - Present	Bank of America, N.A.	Wealth Management Advisor	Y	BUFFALO, NY, United States
10/2007 - Present	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED	WEALTH MANAGEMENT ADVISOR	Y	BUFFALO, NY, 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.

I*2031281, Entity Type Fiduciary , Name of OBA: SM Address: Youngstown, New York, 14174 Investment Related: Yes Position, Title, Association: Power of Attorney Employee Start Date: 22-Feb-2029 No Hours: 10 yearly No Hours during trading: 0 Duties:

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:**
 - 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.
 -
4. **There are different statuses and dispositions for disclosure events:**
 - 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.
 - 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	0	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:	Other: N/A
Date Initiated:	04/25/2013
Docket/Case Number:	2011027747401
Employing firm when activity occurred which led to the regulatory action:	MERRILL LYNCH, PIERCE, FENNER & SMITH
Product Type:	No Product
Allegations:	FINRA RULE 2010, NASD RULE 2510(B): MACKEY EXERCISED DISCRETION IN CONNECTION WITH 17 TRANSACTIONS HE EFFECTED IN THE ACCOUNT OF ONE CUSTOMER. MACKEY, HOWEVER, DID NOT HAVE WRITTEN AUTHORIZATION FROM THE CUSTOMER TO PLACE DISCRETIONARY TRADES, AND HE FAILED TO OBTAIN WRITTEN ACCEPTANCE OF THE ACCOUNT AS DISCRETIONARY FROM HIS MEMBER FIRM.
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:

04/25/2013

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:	ANY AND ALL CAPACITIES
Duration:	15 BUSINESS DAYS
Start Date:	05/20/2013
End Date:	06/10/2013

**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: 05/31/2013

Was any portion of penalty waived? No

Amount Waived:

Regulator Statement WITHOUT ADMITTING OR DENYING THE FINDINGS, MACKEY 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 AND ALL CAPACITIES FOR 15 BUSINESS DAYS. THE SUSPENSION IS IN EFFECT FROM MAY 20, 2013, THROUGH JUNE 10, 2013. FINE PAID MAY 31, 2013.

Reporting Source: Broker

Regulatory Action Initiated By: FINRA

Sanction(s) Sought: Civil and Administrative Penalty(ies)/Fine(s)
Suspension

Date Initiated: 04/25/2013

Docket/Case Number: 2011027747401

Employing firm when activity occurred which led to the regulatory action: MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.

Product Type: No Product

Allegations: FINRA RULE 2010, NASD RULE 2510(B): MACKEY EXERCISED DISCRETION IN CONNECTION WITH 17 TRANSACTIONS HE EFFECTED IN THE ACCOUNT OF ONE CUSTOMER. MACKEY, HOWEVER, DID NOT HAVE WRITTEN AUTHORIZATION FROM THE CUSTOMER TO PLACE DISCRETIONARY



TRADES, AND HE FAILED TO OBTAIN WRITTEN ACCEPTANCE OF THE ACCOUNT AS DISCRETIONARY FROM HIS MEMBER FIRM

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:	04/25/2013
Sanctions Ordered:	Civil and Administrative Penalty(ies)/Fine(s) Other: SUSPENSION
Sanction 1 of 1	
Sanction Type:	Suspension
Capacities Affected:	ANY AND ALL CAPACITIES
Duration:	15 BUSINESS DAYS
Start Date:	05/20/2013
End Date:	06/10/2013
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	WITHOUT ADMITTING OR DENYING THE FINDINGS, MACKEY 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 AND ALL CAPACITIES FOR 15 BUSINESS DAYS. THE SUSPENSION IS IN EFFECT FROM MAY 20, 2013, THROUGH JUNE 10, 2013.



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 CLIENT ALLEGED UNAUTHORIZED TRADING ON SEPTEMBER 28, 2010.
Product Type:	Mutual Fund
Alleged Damages:	\$40,000.00
Is this an oral complaint?	Yes
Is this a written complaint?	No
Is this an arbitration/CFTC reparation or civil litigation?	No

Customer Complaint Information

Date Complaint Received:	01/11/2011
Complaint Pending?	No
Status:	Settled
Status Date:	03/25/2011
Settlement Amount:	\$51,814.88
Individual Contribution Amount:	\$0.00
Broker Statement	'TO RESOLVE THIS MATTER THE PURCHASES AT ISSUE WERE CANCELED AND THE CUSTOMER WAS CREDITED BACK THE FULL PURCHASE AMOUNT. CLIENT DID NOT RECEIVE ANY ADDITIONAL AMOUNT BEYOND THE PURCHASE AMOUNT'

End of Report



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