

BrokerCheck Report

H WILLIAM NETHERTON III

CRD# 710952

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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.



H W. NETHERTON III
CRD# 710952

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

- IA

MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
607 W 3RD ST
AUSTIN, TX 78701
CRD# 7691
Registered with this firm since: 08/23/1983
- B

MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
607 W 3RD ST
AUSTIN, TX 78701
CRD# 7691
Registered with this firm since: 07/01/1980

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
- 24 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):

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
Customer Dispute	4

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 24 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	05/14/2014
B	Cboe BZX Exchange, Inc.	General Securities Representative	Approved	05/14/2014
B	Cboe Exchange, Inc.	General Securities Representative	Approved	03/03/1991
B	FINRA	General Securities Representative	Approved	07/01/1980
B	Nasdaq Stock Market	General Securities Representative	Approved	07/12/2006
B	New York Stock Exchange	General Securities Representative	Approved	07/17/1980

	U.S. State/ Territory	Category	Status	Date
B	Alabama	Agent	Approved	10/19/1994
B	Arizona	Agent	Approved	06/14/2017
B	California	Agent	Approved	05/04/1987
B	Colorado	Agent	Approved	08/29/1988
B	Delaware	Agent	Approved	05/01/2015
B	Florida	Agent	Approved	01/10/2017
B	Georgia	Agent	Approved	06/03/2025

Broker Qualifications



Employment 1 of 1, continued

	U.S. State/ Territory	Category	Status	Date
B	Illinois	Agent	Approved	08/27/2003
B	Indiana	Agent	Approved	10/30/2023
B	Louisiana	Agent	Approved	02/27/1985
B	Maine	Agent	Approved	07/03/2018
IA	Maine	Investment Adviser Representative	Approved	07/09/2018
B	Maryland	Agent	Approved	11/05/2018
B	Mississippi	Agent	Approved	01/25/1991
B	Montana	Agent	Approved	07/02/2024
B	Nevada	Agent	Approved	02/22/1985
B	New Jersey	Agent	Approved	10/17/2003
B	North Carolina	Agent	Approved	06/12/2007
B	Oklahoma	Agent	Approved	07/15/2011
B	Oregon	Agent	Approved	05/18/2024
B	South Carolina	Agent	Approved	04/21/1992
B	Tennessee	Agent	Approved	10/18/2022
B	Texas	Agent	Approved	08/23/1983
IA	Texas	Investment Adviser Representative	Approved	08/23/1983
B	Washington	Agent	Approved	09/01/2006
B	Wisconsin	Agent	Approved	11/30/2018

Branch Office Locations

Broker Qualifications



Employment 1 of 1, continued

MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED

607 W 3RD ST

AUSTIN, TX 78701



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	07/17/1991
B General Securities Representative Examination	Series 7	06/21/1980

State Securities Law Exams

Exam	Category	Date
IA Uniform Investment Adviser Law Examination	Series 65	10/29/2007
B Uniform Securities Agent State Law Examination	Series 63	07/02/1980

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
12/2009 - Present	BANK OF AMERICA, N.A.	SENIOR FINANCIAL ADVISOR	Y	AUSTIN, TX, United States
03/1980 - Present	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED	SENIOR FINANCIAL ADVISOR	Y	AUSTIN, TX, 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	4	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 4

Reporting Source:	Broker
Employing firm when activities occurred which led to the complaint:	MERRILL LYNCH
Allegations:	CUSTOMER ALLEGES THAT HER FINANCIAL CONSULTANT MISREPRESENTED THE DEFINED ASSET FUND THAT HE SWITCHED HER INTO.
Product Type:	Unit Investment Trust(s)
Alleged Damages:	\$0.00

Customer Complaint Information

Date Complaint Received:	11/09/1999
Complaint Pending?	No
Status:	Settled
Status Date:	02/02/2000
Settlement Amount:	\$3,200.00
Individual Contribution Amount:	\$0.00
Broker Statement	IN ORDER TO AVOID THE COSTS AND UNCERTAINTIES OF LITIGATION, THE MATTER WAS SETTLED FOR \$3,200.00. CUSTOER RECEIVED A PROSPECTUS FOR THE FUND IN QUESTION. FURTHERMORE, FINANCIAL CONSULTANT STATES THE CUSTOMER WAS INFORMED ABOUT THE RISKS



INVOLVED IN THE FUND AND THE FC STATES THAT THE CLIENT HAD PRIOR INVESTMENT EXPERIENCE IN UIT'S. THE TRANSACTIONS WERE DONE TO MOVE THE CLIENT TO HIGHER QUALITY.

Disclosure 2 of 4

Reporting Source: Broker

Employing firm when activities occurred which led to the complaint: MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED

Allegations: CUSTOMERS ALLEGE THAT MR. NETHERTON INVESTED THEIR FUNDS FOR FUTURE RETIREMENT IN SPECULATIVE INVESTMENTS, THAT MR. NETHERTON DID NOT DISCUSS AN ACCEPTABLE RISK TOLERANCE WITH THEM. ALLEGED DAMAGES OF \$342,529.28. THIS OCCURRED AT MERRILL LYNCH.

Product Type:

Alleged Damages: \$342,529.28

Customer Complaint Information

Date Complaint Received: 09/02/1998

Complaint Pending? No

Status: Settled

Status Date: 12/08/1998

Settlement Amount: \$216,252.60

Individual Contribution Amount: \$50,000.00

Broker Statement PAYMENT TO THE CUSTOMER IN THE AMOUNT OF \$216,252.60. BECAUSE MR. NETHERTON RECOMMENDED TO THE CUSTOMER TWO STOCKS WHICH WERE NOT FOLLOWED BY MERRILL LYNCH RESEARCH, WE BELIEVE THAT PAYMENT TO THE CUSTOMER WAS APPROPRIATE. MR. NETHERTON WILL BE PAYING \$50,000 TOWARDS THE SETTLEMENT AMOUNT.

Disclosure 3 of 4



Reporting Source: Broker

Employing firm when activities occurred which led to the complaint:

Allegations: CUSTOMER ALLEGES THAT TRANSACTIONS IN HIS ACCOUNT WERE UNAUTHORIZED. ALLEGED DAMAGES OF \$80,000.

Product Type:

Alleged Damages: \$80,000.00

Customer Complaint Information

Date Complaint Received: 04/01/1997

Complaint Pending? No

Status: Settled

Status Date:

Settlement Amount: \$80,000.00

Individual Contribution Amount:

Broker Statement PAYMENT TO CUSTOMER OF \$80,000. GIVEN THE AGE OF THIS CUSTOMER, WE BELIEVE IT WAS BEST TO RESOLVE THIS MATTER, HOWEVER WE FEEL THE TRADES WERE AUTHORIZED.

Disclosure 4 of 4

Reporting Source: Regulator

Employing firm when activities occurred which led to the complaint: MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED

Allegations: SUITABILITY; MISREPRESENTATION; OMISSION OF FACTS; CHURNING

Product Type:

Alleged Damages: \$400,000.00

Arbitration Information



Arbitration/Reparation Claim filed with and Docket/Case No.: NASD - CASE #96-03018

Date Notice/Process Served: 07/31/1996

Arbitration Pending? No

Disposition: Settled

Disposition Date: 07/14/1997

Disposition Detail: CLOSED - PARTIES SETTLED THRU MEDIATION
ACTUAL/COMPENSATORY DAMAGES, RELIEF REQUEST IS WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY; PUNITIVE/EXEMPLARY DAMAGES, RELIEF REQUEST IS WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY; INTEREST, RELIEF REQUEST IS WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY; OTHER COSTS, RELIEF REQUEST IS WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY; ATTORNEY'S FEES, RELIEF REQUEST IS WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY

Reporting Source: Broker

Employing firm when activities occurred which led to the complaint: MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED

Allegations: CUSTOMER ALELGES UNSUITABLE RECOMMENDATIONS AND UNAUTHORIZED TRADING IN HER ACCOUNT. ALLEGED DAMAGES OF \$400,000.

Product Type:

Alleged Damages: \$400,000.00

Customer Complaint Information

Date Complaint Received:

Complaint Pending? No

Status: Arbitration/Reparation

Status Date:

Settlement Amount:

**Individual Contribution
Amount:****Arbitration Information**

**Arbitration/Reparation Claim
filed with and Docket/Case
No.:** National Assoc. of Securities Dealers; 96-03018

Date Notice/Process Served: 07/31/1996

Arbitration Pending? No

Disposition: Settled

Disposition Date: 07/14/1997

**Monetary Compensation
Amount:** \$75,000.00

**Individual Contribution
Amount:****Broker Statement**

PAYMENT TO CUSTOMER OF \$75,000.
WE DO NOT BELIEVE THERE WAS ANY MERIT TO THE
CUSTOMER`S CLAIMS. IN DEFENDING THE CASE, WE OBJECTIVELY
DETERMINED THAT THE CUSTOMER`S CHARACTERIZATION OF HER AND
HER
LATE HUSBAND`S DEALINGS WITH MERRILL LYNCH AND MR. NETHERTON
WAS MOSTLY INACCURATE AND EXAGGERATED. WE SETTLED THE CASE,
HOWEVER, ON THE BASIS OF ANTICIPATED DEFENSE COSTS. AS PART OF
THE SETTLEMENT WITH MERRILL LYNCH, THE CUSTOMER AGREED TO
DISMISS MR. NETHERTON FROM THE ARBITRATION PROCEEDING.

End of Report



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