

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

DOUGLAS BARKER
(CRD No. 1290719),

Respondent.

Disciplinary Proceeding
No. 2007009520202

Hearing Officer – MC

DEFAULT DECISION

July 6, 2010

Respondent recommended and effected unsuitable transactions in customer accounts, in violation of Conduct Rules 2110 and 2310. For doing so, Respondent is suspended from associating with any FINRA member firm in any capacity for six months and fined \$125,000.

Appearances

Jennifer L. Mennella, Principal Counsel, and Penny Rosenberg, Director, New York, NY, for the Department of Enforcement.

No appearance by or on behalf of Respondent Douglas Barker.

DECISION

I. Introduction

The Department of Enforcement filed the attached Complaint in this disciplinary proceeding on January 28, 2010. The single Cause of Action in the Complaint charges Respondent Douglas Barker with violating Conduct Rules 2110 and 2310¹ by recommending and effecting unsuitable trades in nine customer accounts.

¹ As of July 30, 2007, NASD consolidated with the member regulation and enforcement functions of NYSE Regulation and began operating under a new corporate name, the Financial Industry Regulatory Authority (FINRA). References in this decision to FINRA include, where appropriate, NASD. Following consolidation, FINRA began developing a new FINRA Consolidated Rulebook. The first phase of the new consolidated rules became effective

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Barker failed to file an Answer to the Complaint. On April 26, 2010, therefore, Enforcement filed a Motion for Entry of Default Decision and Request for Sanctions (“Default Motion”) supported by the Declaration of Jennifer L. Mennella and five exhibits. On May 24, 2010, Enforcement filed a Supplement to Enforcement’s Motion for Entry of Default Decision and Request for Sanctions (“Supplemental Motion”) with an exhibit attached and designated as Exhibit A. Finally, on June 15, 2010, Enforcement filed a Second Supplement to Enforcement’s Motion for Entry of Default Decision and Request for Sanctions, supported by the Supplemental Declaration of Jennifer L. Mennella in Support of Motion for Entry of Default Decision (“Supplemental Declaration”).²

II. Findings of Fact and Conclusions of Law

A. Barker is Subject to FINRA’s Jurisdiction

Barker began his career as a registered representative in June 1984. He was registered as a General Securities Representative and General Securities Sales Supervisor at UBS Financial Services, Inc. (“UBS”) from April 1997 to May 2007. Barker left UBS and was then registered through another FINRA member firm in the same two capacities until April 2009. He is not currently registered or associated with any FINRA member firm.³

The misconduct alleged against Barker in the Complaint occurred while he was registered with FINRA through UBS. Because the Complaint was filed less than two years after Barker

on December 15, 2008, including certain conduct rules and procedural rules. *See* Regulatory Notice 08-57 (Oct. 2008). This decision refers to and relies on the NASD Conduct Rules that were in effect at the time of Barker’s alleged misconduct. The applicable rules are available at www.finra.org/rules.

² The exhibits attached to Enforcement’s Default Motion will be referred to as “CX-” with the appropriate exhibit number. References in this Default Decision to the Declaration will be referred to as “Decl.” or “Mennella Decl.” and references to the Supplemental Declaration will be referred to as “Supp. Decl.” with citation to specific paragraphs.

³ Decl. ¶¶ 4-5; CX-1.

was last registered with a FINRA member firm, FINRA retains jurisdiction over him for the purposes of this disciplinary proceeding.

B. Barker Defaulted

On January 29, 2010, Enforcement served Barker with the Complaint and Notice of Complaint by certified mail at his most recent address recorded in the Central Registration Depository ("CRD address").⁴ The mailing was returned to Enforcement marked "Not Deliverable As Addressed, Unable to Forward."⁵ Barker did not file an Answer to the Complaint.⁶

On March 2, 2010, Enforcement served the Complaint and Second Notice of Complaint upon Barker by certified mail at his CRD address.⁷ As happened with the mailing of the Complaint, this mailing was returned to Enforcement marked "Not Deliverable As Addressed, Unable to Forward."⁸ Barker failed to file an Answer or to respond in any fashion to the Complaint and Second Notice of Complaint.⁹

By serving the Complaint, First Notice of Complaint, and Second Notice of Complaint upon Barker at his CRD address by certified mail, Enforcement complied with the service requirements of Procedural Rule 9134.¹⁰ By failing to file an Answer, Barker defaulted. Accordingly, pursuant to Rules 9215(f) and 9269(a)(2), and for the reasons given below, the

⁴ Decl. ¶ 6.

⁵ CX-4.

⁶ Decl. ¶ 8.

⁷ Decl. ¶ 9.

⁸ CX-5.

⁹ Decl. ¶ 11.

¹⁰ *Dep't of Enforcement v. Verdiner*, No. CAF020004, 2003 NASD Discip. LEXIS 42, at *5 (N.A.C. Dec. 9, 2003) (NASD Procedural Rule 9134(b)(1) allows for constructive notice by mailing a complaint to the respondent's most recent CRD address) (citing *Lubeck v. SEC*, 1998 U.S. App. LEXIS 18849, at *20 (9th Cir. Aug. 12, 1998)).

Default Motion, as supplemented, is granted.¹¹

C. Barker Recommended and Effected Unsuitable Transactions in Violation of Conduct Rules 2110 and 2310

From January 2004 to December 2006, UBS participated in the distribution of 34 new issue offerings of closed end funds (“CEF’s”), generally designed as long-term investments.¹² With CEF’s, the costs are built into the offering price, usually at 4.5 percent of the amount invested, and include a sales load from which underwriter fees and broker commissions are paid.¹³ CEF’s have a stabilization period, lasting a maximum of 90 days. During this period, the lead underwriter supports the price of the fund.¹⁴ After the stabilization period, the price of CEF shares is determined by the market. Unless the CEF’s trade at a discount or premium, it is reasonable to expect the market price to move to a level approximately 4.5 percent below the offering price.¹⁵

In January 2007, UBS initiated an investigation into short-term selling of CEF’s by its registered representatives. The UBS investigation led to a FINRA review of a number of Barker’s accounts in which he traded new issue CEF’s on a short-term basis.¹⁶ FINRA’s investigation revealed that between January 2004 and April 2006, Barker recommended and effected unsuitable short-term sales of 136 CEF’s in nine customer accounts less than six months after purchasing them at an Initial Public Offering (“IPO”), leading to customer losses in excess

¹¹ The factual determinations in this Default Decision are based on the allegations of the attached Complaint, which are deemed admitted, as well as the Mennella Declaration, the Mennella Supplemental Declaration, and the exhibits filed by Enforcement.

¹² Complaint ¶¶ 4-5.

¹³ Complaint ¶ 6.

¹⁴ Complaint ¶ 7.

¹⁵ Complaint ¶ 8.

¹⁶ Decl. ¶ 13.

of \$350,000.¹⁷ In 94 of the sales, the CEF's were sold within two months of purchase.¹⁸ Barker often used the proceeds of the sale of one CEF to purchase a different CEF at another IPO, and subsequently recommended that the customer sell those CEF's less than six months after the purchase.¹⁹ Barker understood that the fees related to CEF's caused, when purchased, an immediate decline in value of 4.5 percent of the investments, and that CEF's were intended to be long-term investments. Nonetheless, he purposely engaged in short-term trading of the CEF's in the 136 sales.²⁰

Barker claimed he engaged in this strategy in order to obtain a greater allocation of potentially more profitable equity IPO's for his customers.²¹ There is no evidence, however, to substantiate Barker's claim; to the contrary, the evidence is that the short-term sales of CEF's would not result in a greater allocation of IPO's.²² Instead, Barker's recommendations inured to his benefit. FINRA's investigation revealed that Barker received a production credit for the value of the shares his customers purchased at an IPO and that the 136 transactions generated \$270,000 in revenues, comprising 35% of the total revenues Barker generated during

¹⁷ Decl. ¶ 15.

¹⁸ Complaint ¶ 13.

¹⁹ Complaint ¶ 14.

²⁰ Complaint ¶ 17. In on-the-record testimony Barker provided to FINRA investigators, he admitted that he understood that CEF's were intended as long-term investments but nonetheless recommended and effected short-term purchases and sales of CEF's for his customers. Decl. ¶ 16.

²¹ Decl. ¶ 16 (b)(iv).

²² Decl. ¶ 16 (c).

the relevant period.²³ Barker earned commissions for this activity totaling approximately \$100,000.²⁴

Conduct Rule 2310 requires a registered representative making a recommendation to a customer to have “reasonable grounds for believing that the recommendation is suitable” for the customer, based on the customer’s financial situation and needs. As stated in IM-2310-2(a)(1) and (2), the suitability standard carries an implicit requirement of “fair dealing” in relationships with customers requiring that recommendations “represent fair treatment” of customers. With regard to transactions involving mutual funds, a category of investments that includes CEF’s, IM-2310-2(b)(3) sets forth the general proposition that short-term trading in mutual fund shares “on its face may raise the question” of violating the suitability standard in Conduct Rule 2310. It has long been held that mutual fund shares are generally suitable as long-term investments, not for short-term trading, “especially where such trading involves new sales loads.”²⁵ In the absence of evidence of reasonable grounds to believe such transactions are suitable, a registered representative who recommends selling shares in one mutual fund to purchase shares in another fund with similar investment objectives and strategies to generate commissions violates the fair-dealing mandate of Conduct Rule 2310.²⁶

In the record of this disciplinary proceeding, there is no evidence to suggest that Barker possessed a reasonable basis to believe his recommendations and the resulting transactions were

²³ Complaint ¶¶ 15-16.

²⁴ Supplemental Motion, Exhibit A.

²⁵ *Kenneth C. Krull*, Exch. Act Rel. No. 40768, 1998 SEC LEXIS 2664, at *8 (Dec. 10, 1998), *aff’d*, *Krull v. SEC*, 248 F.3d 907 (9th Cir. 2001), *quoting Winston H. Kinderdick*, 46 S.E.C. 636, 639, 1976 SEC LEXIS 783, *7-8 (Sept. 21, 1976).

²⁶ *Scott Epstein*, Exch. Act Rel. No. 59328, 2009 SEC LEXIS 217, at *42 (Jan. 30, 2009).

suitable for his customers. To the contrary, the record demonstrates that these transactions served Barker's interests, not the interests of his customers, whose investment objectives were conservative to moderate.²⁷ Thus, Barker's recommendations violated his duty to deal with customers fairly. Recommending that mutual fund customers switch from one fund to another must not be motivated by commissions.²⁸

These facts, as alleged in the Complaint, and supported by the Mennella Declaration, Supplemental Declaration, and the exhibits filed by Enforcement, are sufficient to substantiate, for the purposes of this Default Decision, that Barker violated Conduct Rules 2110 and 2310.

III. Sanctions

FINRA Sanction Guidelines recommend a fine ranging from \$2,500 to \$75,000 and a suspension of 10 business days to one year for violating the suitability requirements of Conduct Rule 2310.²⁹ In this case, Enforcement recommends imposition of a suspension of 20 business days and a fine of \$125,000, of which \$100,000 consists of disgorgement of Barker's earnings from the unsuitable transactions he recommended.³⁰

There are several aggravating factors that should be taken into consideration in determining appropriate sanctions in this matter. Barker's misconduct extended over a period of two years and involved numerous discrete acts.³¹ His unsuitable recommendations resulted in

²⁷ Supp. Decl. ¶ 5(b).

²⁸ See NASD Notice to Members 95-80, Sept. 26, 1995.

²⁹ FINRA Sanction Guidelines, p. 99 (2007).

³⁰ Because UBS compensated the affected customers for their losses, Enforcement is not recommending an order for restitution.

³¹ Principal Considerations in Determining Sanctions, Nos. 8, 9, Sanction Guidelines at p. 6.

injury to the affected customers.³² The recommendations resulted in Barker realizing substantial monetary gain in the form of commissions.³³ He made the recommendations despite his understanding that CEF's are long-term investments, not suitable for short-term trading. Barker's misconduct violated the fundamental obligation of a registered representative to ensure that his recommendations provide fair treatment to customers.

For these reasons, Enforcement's recommended imposition of a suspension of 20 business days is insufficient to impress upon Barker, and others, the importance of dealing fairly in making customer recommendations, and to protect the investing public in order to deter such violations in the future.³⁴ Therefore Barker is suspended for six months and fined \$125,000, of which \$100,000 represents disgorgement of the commissions he received as a result of his unsuitable recommendations.

IV. Order

Respondent Douglas Barker is suspended in all capacities from associating with any FINRA member firm for six months and fined \$125,000 for making and effecting unsuitable transactions in customer accounts in violation of Conduct Rules 2110 and 2310.

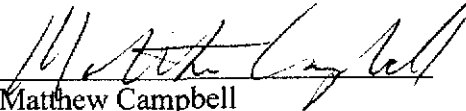
If this Default Decision becomes FINRA's final disciplinary action in this proceeding, the suspension shall become effective with the opening of business on Monday, August 16,

³² Principal Considerations in Determining Sanctions, No. 11, *Sanction Guidelines* at p. 6.

³³ Principal Considerations in Determining Sanctions, No. 17, *Sanction Guidelines* at p. 7.

³⁴ Although sanctions must be fashioned in each case based on its own facts and circumstances, *Sanction Guidelines* at p. 2, it is worth noting that in a case of mutual fund switching involving eight customers, in which the respondent gained commissions of \$171,000 for 115 transactions over a two-year period, the court upheld an increase from an original suspension of 90 days to a one-year suspension imposed on appeal. *Krull, supra*, 248 F.3d 907, at *18-22. In another case, involving mutual fund switches recommended to 12 elderly customers by respondent to gain production credits and commissions, the unsuitable recommendations were deemed egregious, and respondent was barred, despite his youth, limited experience in the industry, and high-pressure work environment. *Epstein, supra*, at *70-76.

2010, and end with the close of business on February 15, 2011. The fines shall be due and payable upon Barker's return to the securities industry.


Matthew Campbell
Hearing Officer

Copies to:

Douglas Barker (via FedEx and first-class mail)
Jennifer Mennella, Esq. (via electronic and first-class mail)
Penny Rosenberg, Esq. (via electronic and first-class mail)
David R. Sonnenberg, Esq. (via electronic mail)

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

Department of Enforcement,

Complainant,

v.

Douglas Barker (CRD No. 1290719),

Respondent.

DISCIPLINARY PROCEEDING
No. 2007009520202

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. Between January 2004 and April 2006, Douglas Barker ("Barker") recommended and effected unsuitable short-term sales, in nine customers' accounts, of 136 closed end funds ("CEF") less than six months after purchasing them at their initial public offerings, resulting in customer losses exceeding \$350,000.

RESPONDENT AND JURISDICTION

2. Barker entered the securities industry as a registered representative in June 1984. Barker was employed in that capacity at UBS Financial Services Inc. ("UBS" or the "Firm") from April 1997 to May 2007. He left UBS in May 2007 and became employed as a registered representative at another member firm, where he remained until April 2009.

3. Since April 2009, Barker has not been employed in the securities industry, but is subject to the jurisdiction of FINRA pursuant to Article V, Section 4 of FINRA's By-Laws.

BACKGROUND

4. From January 2004 to December 2006 ("Relevant Period"), UBS participated in the distribution of 34 new issue CEF offerings.

5. CEFs are investment companies that sell a fixed number of shares in an initial public offering ("IPO"), after which the shares typically trade on a secondary market. They are generally designed as long-term investments.

6. The expenses to the customer, which were built into the offering price, were generally 4.5% of the amount invested and include a sales load from which the underwriter's fees and broker's sales concession were paid. The proceeds, after expenses, were then invested based on the investment objectives of the fund.

7. CEFs also had a stabilization period, which was the time frame directly after the IPO when the lead underwriter theoretically supported the price of the fund. The prospectuses indicated that purchases of the common shares to stabilize the price or to reduce short positions could cause the price of the common shares to be higher than might otherwise be. The maximum time for the stabilization period was 90 days, but it was generally shorter.

8. Following the stabilization period, the price of CEF shares in the secondary market was determined by the market and could be greater or less than the net asset value. Without trading at a discount or a premium, all other factors being equal, it would be reasonable to expect the market price to be approximately 4.5% below the offering price at the end of the stabilization period.

CAUSE OF ACTION

Barker Recommended and Effected Unsuitable CEF Transactions

(Violation of NASD Conduct Rules 2310 and 2110)

9. The Department realleges and incorporates by reference paragraphs 1-8 above.
10. During the Relevant Period, Barker recommended a short term pattern of trading in new issue CEFs purchased at IPO to certain of his customers claiming that by doing so he would gain a greater allocation of potentially more profitable equity IPOs for his customers.
11. Despite the generally long term nature of these investments, Barker recommended and effected the sale of 136 CEFs less than six months after purchasing them at IPO in nine customers' accounts. The purchases and sales of those new issue CEFs are set forth in Attachment A.
12. Those sales accounted for customer losses exceeding \$350,000, including sales fees and depreciation of the securities.
13. In 94 of those instances, the new issue CEFs were sold within two months after purchase at the IPO, while the market price of the CEFs reflected the sales and underwriting fees.
14. Barker often used the proceeds of the sale of one CEF purchased at IPO to purchase a different CEF at IPO, and in many circumstances, he subsequently recommended that customer sell those CEFs less than six months after purchase.
15. Generally, Barker received a production credit of 3% for the value of the shares his customers purchased at IPO, which was then applied to his commission grid and paid to him.

16. The transactions identified on Attachment A accounted for approximately \$270,000, or 74% of the revenues that Barker generated from transactions in new issue CEFs overall, and 35% of total revenues he generated during the Relevant Period.

17. Although Barker understood that the fees related to CEFs caused an immediate decline in value of 4.5% of these investments and that they were intended as long term investments, he purposely engaged in short-term trading of CEFs.

18. By virtue of the aforementioned conduct, Barker engaged in the unsuitable sales of CEFs, thereby violating NASD Rules 2310 and 2110.

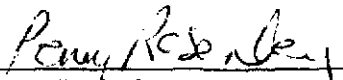
RELIEF REQUESTED

WHEREFORE, the Department respectfully requests that the Panel:

- A. order that one or more of the sanctions provided under FINRA Rule 8310(a) be imposed, including that the Respondent be required to disgorge fully any and all ill-gotten gains and/or make full and complete restitution, together with interest.
- B. order that the Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with FINRA Rule 8330.

FINRA DEPARTMENT OF ENFORCEMENT

Date: 1/28/10


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ATTACHMENT A

Customer	Closed End Fund	PURCHASE AT IPO				SALE WITHIN 6 MONTHS			
		Trade Date (BUY)	Quantity	Price	Net Amount	Trade Date (SELL)	Quantity	Price	Net Amount
BJR	EATON VANCE FLOATING RATE INCOME TRUST	06/24/04	2,550	\$20.00	\$ 51,000.00	09/20/04	2,550	\$19.32	\$ 49,152.09
BJR	KAYNE ANDERSON MLP INVESTMENT CO	09/27/04	1,900	\$25.00	\$ 47,500.00	12/20/04	1,900	\$24.70	\$ 46,823.65
BJR	ING GLOBAL EQUITY DIVID & PREM OPPORTUNITY FUND	03/28/05	2,500	\$20.00	\$ 50,000.00	05/25/05	2,500	\$20.00	\$ 49,942.66
BJR	NICHOLAS APPLGATE INTL & PREM STRATEGY FUND	04/26/05	2,100	\$25.00	\$ 52,500.00	05/25/05	800	\$25.01	\$ 19,951.92
BJR	NICHOLAS APPLGATE INTL & PREM STRATEGY FUND					06/23/05	1,300	\$23.80	\$ 30,643.36
BJR	BLACKROCK GLOBAL OPPORTUNITIES EQUITY TRUST	05/25/05	2,000	\$25.00	\$ 50,000.00	07/26/05	2,000	\$24.04	\$ 47,962.74
BJR	EATON VANCE TAX MANAGED BUY WRITE OPPORTUNITIES FUND	06/27/05	1,750	\$20.00	\$ 35,000.00	08/25/05	1,750	\$19.90	\$ 34,718.29
BJR	KAYNE ANDERSON ENERGY TOTAL RETURN FUND INC	06/27/05	1,200	\$25.00	\$ 30,000.00	08/25/05	1,200	\$24.40	\$ 29,173.52
BJR	BLACKROCK ENHANCED DIVID ACHIEVERS TRUST	08/25/05	2,300	\$15.00	\$ 34,500.00	10/26/05	2,300	\$13.30	\$ 30,483.47
BJR	BLACKROCK ENHANCED DIVID ACHIEVERS TRUST					11/25/05	16	\$13.24	\$ 206.58
BJR	EATON VANCE TAX MANAGED GLOBAL BUY WRITE OPPORTUNITIES FUND	09/27/05	2,200	\$20.00	\$ 44,000.00	11/25/05	2,200	\$18.11	\$ 39,695.08
BJR	CALAMOS GLOBAL TOTAL RETURN FUND	10/26/05	1,500	\$15.00	\$ 22,500.00	12/27/05	1,500	\$13.68	\$ 20,273.35

WBW	EATON VANCE TAX ADVANTAGED GLOBAL DIVID INCOME FUND	01/27/04	5,000	\$20.00	\$ 100,000.00	03/25/04	5,000	\$19.24	\$ 96,090.99
WBW	CALAMOS STRATEGIC TOTAL RETURN FUND	03/25/04	6,000	\$15.00	\$ 90,000.00	05/25/04	6,000	\$13.00	\$ 77,911.92
WBW	EATON VANCE FLOATING RATE INCOME TRUST	06/24/04	1,500	\$20.00	\$ 30,000.00	11/24/04	1,500	\$18.89	\$ 28,275.08
WBW	SCUDDER GLOBAL COMMODITIES STOCK FUND INC	09/23/04	2,600	\$15.00	\$ 39,000.00	10/26/04	2,600	\$15.01	\$ 38,919.83
WBW	KAYNE ANDERSON MLP INVESTMENT CO	09/27/04	1,600	\$25.00	\$ 40,000.00	12/09/04	1,600	\$24.77	\$ 39,528.82
WBW	EATON VANCE ENHANCED EQUITY INCOME FUND	10/26/04	1,900	\$20.00	\$ 38,000.00	12/02/04	1,900	\$20.03	\$ 37,954.85
WBW	BLACKROCK GLOBAL ENERGY & RESOURCES TRUST	12/22/04	1,600	\$25.00	\$ 40,000.00	02/18/05	1,600	\$25.01	\$ 39,909.43
WBW	NFJ DIVIDEND INTEREST & PREMIUM STRATEGY FUND	02/23/05	1,600	\$25.00	\$ 40,000.00	04/28/05	1,600	\$23.84	\$ 37,648.15

LAW	EATON VANCE TAX ADVANTAGED GLOBAL DIVID INCOME FUND	01/27/04	2,000	\$20.00	\$ 40,000.00	03/26/04	2,000	\$19.25	\$ 38,385.24
LAW	CALAMOS STRATEGIC TOTAL RETURN FUND	03/25/04	2,500	\$15.00	\$ 37,500.00	09/20/04	2,541	\$13.58	\$ 34,400.72

Customer	Closed End Fund	PURCHASE AT IPO				SALE WITHIN 6 MONTHS			
		Trade Date (BUY)	Quantity	Price	Net Amount	Trade Date (SELL)	Quantity	Price	Net Amount
LAW	SCUDDER GLOBAL COMMODITIES STOCK FUND INC	09/23/04	1,700	\$15.00	\$ 25,500.00	10/26/04	1,700	\$15.01	\$ 25,411.15
LAW	KAYNE ANDERSON MLP INVESTMENT CO	09/27/04	1,000	\$25.00	\$ 25,000.00	12/22/04	1,000	\$24.56	\$ 24,454.17
LAW	EATON VANCE ENHANCED EQUITY INCOME FUND	10/26/04	1,200	\$20.00	\$ 24,000.00	01/26/05	1,208	\$20.30	\$ 24,466.34
LAW	BLACKROCK GLOBAL ENERGY & RESOURCES TRUST	12/22/04	1,000	\$25.00	\$ 25,000.00	02/18/05	1,000	\$25.01	\$ 24,953.92
LAW	NFJ DIVIDEND INTEREST & PREMIUM STRATEGY FUND	02/23/05	1,000	\$25.00	\$ 25,000.00	06/27/05	1,000	\$23.00	\$ 22,636.88
LAW	NFJ DIVIDEND INTEREST & PREMIUM STRATEGY FUND					08/10/05	22	\$23.61	\$ 514.14

ACW	EATON VANCE TAX ADVANTAGED GLOBAL DIVID INCOME FUND	01/27/04	2,000	\$20.00	\$ 40,000.00	03/26/04	2,000	\$19.31	\$ 38,413.24
ACW	CALAMOS STRATEGIC TOTAL RETURN FUND	03/25/04	2,500	\$15.00	\$ 37,500.00	09/20/04	2,541	\$13.58	\$ 34,408.13
ACW	SCUDDER GLOBAL COMMODITIES STOCK FUND INC	09/23/04	1,700	\$15.00	\$ 25,500.00	10/26/04	1,700	\$15.01	\$ 25,411.15
ACW	KAYNE ANDERSON MLP INVESTMENT CO	09/27/04	1,000	\$25.00	\$ 25,000.00	12/22/04	1,000	\$24.56	\$ 24,454.17
ACW	EATON VANCE ENHANCED EQUITY INCOME FUND	10/26/04	1,200	\$20.00	\$ 24,000.00	01/26/05	1,208	\$20.14	\$ 24,273.06
ACW	BLACKROCK GLOBAL ENERGY & RESOURCES TRUST	12/22/04	1,000	\$25.00	\$ 25,000.00	02/18/05	1,000	\$25.01	\$ 24,953.92
ACW	NFJ DIVIDEND INTEREST & PREMIUM STRATEGY FUND	02/23/05	1,000	\$25.00	\$ 25,000.00	06/27/05	1,000	\$23.00	\$ 22,636.88
ACW	NFJ DIVIDEND INTEREST & PREMIUM STRATEGY FUND					08/10/05	22	\$23.61	\$ 514.14

JD	EATON VANCE FLOATING RATE INCOME TRUST	06/24/04	3,500	\$20.00	\$ 70,000.00	09/23/04	3,500	\$19.15	\$ 66,918.18
JD	KAYNE ANDERSON MLP INVESTMENT CO	09/27/04	2,800	\$25.00	\$ 70,000.00	12/22/04	2,800	\$24.61	\$ 68,801.13
JD	BLACKROCK GLOBAL ENERGY & RESOURCES TRUST	12/22/04	2,400	\$25.00	\$ 60,000.00	03/18/05	2,400	\$24.50	\$ 58,592.81
JD	NFJ DIVIDEND INTEREST & PREMIUM STRATEGY FUND	02/23/05	2,200	\$25.00	\$ 55,000.00	04/22/05	2,200	\$23.90	\$ 52,472.55
JD	COHEN & STEERS WORLDWIDE REALTY INCOME FUND INC	03/28/05	3,000	\$20.00	\$ 60,000.00	05/25/05	3,000	\$20.05	\$ 60,042.23
JD	ING GLOBAL EQUITY DIVID & PREM OPPORTUNITY FUND	03/28/05	3,000	\$20.00	\$ 60,000.00	05/25/05	3,000	\$19.95	\$ 59,742.24
JD	NICHOLAS APPLGATE INTL & PREM STRATEGY FUND	04/26/05	2,100	\$25.00	\$ 52,500.00	06/01/05	2,100	\$25.01	\$ 52,463.55
JD	BLACKROCK GLOBAL OPPORTUNITIES EQUITY TRUST	05/25/05	2,400	\$25.00	\$ 60,000.00	07/26/05	2,400	\$24.00	\$ 57,492.34
JD	EATON VANCE TAX MANAGED BUY WRITE OPPORTUNITIES FUND	06/27/05	2,500	\$20.00	\$ 50,000.00	08/25/05	2,500	\$19.90	\$ 49,642.67

Customer	Closed End Fund	PURCHASE AT IPO				SALE WITHIN 6 MONTHS			
		Trade Date (BUY)	Quantity	Price	Net Amount	Trade Date (SELL)	Quantity	Price	Net Amount
JD	BLACKROCK ENHANCED DIVID ACHIEVERS TRUST	08/25/05	3,400	\$15.00	\$ 51,000.00	10/26/05	3,400	\$13.25	\$ 44,928.86
JD	EATON VANCE TAX MANAGED GLOBAL BUY WRITE OPPORTUNITIES FUND	09/27/05	3,750	\$20.00	\$ 75,000.00	12/01/05	3,750	\$17.97	\$ 67,284.93
JD	ING GLOBAL ADVANTAGE & PREMIUM OPPORTUNITY FUND	10/26/05	1,700	\$20.00	\$ 34,000.00	12/27/05	1,700	\$17.65	\$ 29,898.82

SSR	EATON VANCE FLOATING RATE INCOME TRUST	06/24/04	2,500	\$20.00	\$ 50,000.00	09/22/04	2,500	\$19.19	\$ 47,857.62
SSR	KAYNE ANDERSON MLP INVESTMENT CO	09/27/04	2,000	\$25.00	\$ 50,000.00	02/22/05	2,020	\$25.71	\$ 51,363.80
SSR	NFJ DIVIDEND INTEREST & PREMIUM STRATEGY FUND	02/23/05	2,100	\$25.00	\$ 52,500.00	04/22/05	2,100	\$23.90	\$ 50,082.65
SSR	ING GLOBAL EQUITY DIVID & PREM OPPORTUNITY FUND	03/28/05	2,500	\$20.00	\$ 50,000.00	05/25/05	2,500	\$20.05	\$ 50,067.65
SSR	COHEN & STEERS WORLDWIDE REALTY INCOME FUND INC	03/28/05	2,500	\$20.00	\$ 50,000.00	05/25/05	1,200	\$20.20	\$ 24,166.98
SSR	COHEN & STEERS WORLDWIDE REALTY INCOME FUND INC					05/25/05	1,300	\$20.02	\$ 25,941.66
SSR	NICHOLAS APPLGATE INTL & PREM STRATEGY FUND	04/26/05	2,100	\$25.00	\$ 52,500.00	06/23/05	2,100	\$23.90	\$ 49,808.42
SSR	BLACKROCK GLOBAL OPPORTUNITIES EQUITY TRUST	05/25/05	2,000	\$25.00	\$ 50,000.00	08/24/05	2,000	\$24.37	\$ 48,540.71
SSR	BLACKROCK GLOBAL OPPORTUNITIES EQUITY TRUST					10/26/05	47	\$23.25	\$ 1,037.45
SSR	EATON VANCE TAX MANAGED BUY WRITE OPPORTUNITIES FUND	06/27/05	2,500	\$20.00	\$ 50,000.00	09/22/05	2,500	\$19.80	\$ 49,392.68
SSR	BLACKROCK ENHANCED DIVID ACHIEVERS TRUST	08/25/05	3,000	\$15.00	\$ 45,000.00	10/26/05	3,000	\$13.66	\$ 40,923.03
SSR	EATON VANCE TAX MANAGED GLOBAL BUY WRITE OPPORTUNITIES FUND	09/27/05	2,500	\$20.00	\$ 50,000.00	11/22/05	2,500	\$18.35	\$ 45,767.83
SSR	CALAMOS GLOBAL TOTAL RETURN FUND	10/26/05	1,750	\$15.00	\$ 26,250.00	12/23/05	1,750	\$13.68	\$ 23,663.48
SSR	ING GLOBAL ADVANTAGE & PREMIUM OPPORTUNITY FUND	10/26/05	2,700	\$20.00	\$ 54,000.00	12/23/05	2,700	\$17.61	\$ 47,143.92

AS	EATON VANCE FLOATING RATE INCOME TRUST	06/24/04	3,050	\$20.00	\$ 61,000.00	09/23/04	3,050	\$19.19	\$ 58,472.88
AS	KAYNE ANDERSON MLP INVESTMENT CO	09/27/04	2,250	\$25.00	\$ 56,250.00	02/22/05	2,273	\$25.71	\$ 58,331.65
AS	NFJ DIVIDEND INTEREST & PREMIUM STRATEGY FUND	02/23/05	2,200	\$25.00	\$ 55,000.00	06/27/05	2,200	\$22.92	\$ 50,366.64
AS	NFJ DIVIDEND INTEREST & PREMIUM STRATEGY FUND					07/29/05	49	\$23.62	\$ 1,152.08
AS	KAYNE ANDERSON ENERGY TOTAL RETURN FUND INC	06/27/05	2,300	\$25.00	\$ 57,500.00	10/26/05	2,300	\$22.62	\$ 51,968.57
AS	ING GLOBAL ADVANTAGE & PREMIUM OPPORTUNITY	10/26/05	3,333	\$20.00	\$ 66,660.00	04/28/06	3,333	\$18.70	\$ 61,773.04

Customer	Closed End Fund	PURCHASE AT IPO				SALE WITHIN 6 MONTHS			
		Trade Date (BUY)	Quantity	Price	Net Amount	Trade Date (SELL)	Quantity	Price	Net Amount
TCT Co. 1	EATON VANCE TAX ADVANTAGED GLOBAL DIVID INCOME FUND	01/27/04	5,000	\$20.00	\$ 100,000.00	03/25/04	5,000	\$19.25	\$ 95,740.99
TCT Co. 1	ING CLARION GLOBAL REAL ESTATE INCOME FUND	02/24/04	6,700	\$15.00	\$ 100,500.00	04/27/04	6,700	\$12.28	\$ 82,176.82
TCT Co. 1	JOHN HANCOCK TAX ADVANTAGED DIVID INCOME FUND	02/24/04	7,500	\$20.00	\$ 150,000.00	04/23/04	7,500	\$17.50	\$ 131,103.67
TCT Co. 1	CALAMOS STRATEGIC TOTAL RETURN FUND	03/25/04	6,000	\$15.00	\$ 90,000.00	05/10/04	6,000	\$12.57	\$ 75,312.98
TCT Co. 1	EATON VANCE TAX ADVANTAGED GLOBAL DIVID OPPORTUNITIES FD	04/27/04	7,000	\$20.00	\$ 140,000.00	06/18/04	900	\$18.50	\$ 16,594.37
TCT Co. 1	EATON VANCE TAX ADVANTAGED GLOBAL DIVID OPPORTUNITIES FD					06/21/04	800	\$18.26	\$ 14,557.65
TCT Co. 1	EATON VANCE TAX ADVANTAGED GLOBAL DIVID OPPORTUNITIES FD					06/21/04	1,000	\$18.27	\$ 18,219.57
TCT Co. 1	EATON VANCE TAX ADVANTAGED GLOBAL DIVID OPPORTUNITIES FD					06/21/04	1,100	\$18.28	\$ 20,057.52
TCT Co. 1	EATON VANCE TAX ADVANTAGED GLOBAL DIVID OPPORTUNITIES FD					06/21/04	2,900	\$18.30	\$ 53,013.50
TCT Co. 1	EATON VANCE FLOATING RATE INCOME TRUST	06/24/04	6,250	\$20.00	\$ 125,000.00	08/23/04	6,250	\$19.54	\$ 122,025.39
TCT Co. 1	BLACKROCK GLOBAL FLOATING RATE INCOME TRUST	08/25/04	6,250	\$20.00	\$ 125,000.00	10/20/04	6,250	\$19.32	\$ 120,641.92
TCT Co. 1	SCUDDER GLOBAL COMMODITIES STOCK FUND INC	09/23/04	6,700	\$15.00	\$ 100,500.00	11/08/04	5,200	\$15.01	\$ 77,967.31
TCT Co. 1	SCUDDER GLOBAL COMMODITIES STOCK FUND INC					11/22/04	1,500	\$14.13	\$ 21,089.25
TCT Co. 1	KAYNE ANDERSON MLP INVESTMENT CO	09/27/04	4,000	\$25.00	\$ 100,000.00	11/22/04	4,000	\$24.99	\$ 99,852.41
TCT Co. 1	PIMCO FLOATING RATE STRATEGY FUND	10/26/04	6,250	\$20.00	\$ 125,000.00	12/09/04	2,100	\$19.55	\$ 40,954.03
TCT Co. 1	PIMCO FLOATING RATE STRATEGY FUND					12/09/04	4,150	\$19.65	\$ 81,473.94
TCT Co. 1	EATON VANCE ENHANCED EQUITY INCOME FUND	10/26/04	5,000	\$20.00	\$ 100,000.00	12/10/04	1,800	\$19.85	\$ 35,629.16
TCT Co. 1	EATON VANCE ENHANCED EQUITY INCOME FUND					12/10/04	3,200	\$19.89	\$ 63,565.26
TCT Co. 1	PIONEER FLOATING RATE TRUST	12/22/04	6,250	\$20.00	\$ 125,000.00	01/21/05	3,000	\$20.01	\$ 59,922.77
TCT Co. 1	PIONEER FLOATING RATE TRUST					02/17/05	3,250	\$19.46	\$ 63,176.16
TCT Co. 1	BLACKROCK GLOBAL ENERGY & RESOURCES TRUST	12/22/04	5,000	\$25.00	\$ 125,000.00	02/17/05	5,000	\$25.01	\$ 124,990.63
TCT Co. 1	EATON VANCE ENHANCED EQUITY INCOME FD II	01/26/05	5,000	\$20.00	\$ 100,000.00	03/16/05	600	\$20.07	\$ 11,991.61
TCT Co. 1	EATON VANCE ENHANCED EQUITY INCOME FD II					03/16/05	4,400	\$20.04	\$ 87,967.84

Customer	Closed End Fund	PURCHASE AT IPO				SALE WITHIN 6 MONTHS			
		Trade Date (BUY)	Quantity	Price	Net Amount	Trade Date (SELL)	Quantity	Price	Net Amount
TCT Co. 1	NFJ DIVIDEND INTEREST & PREMIUM STRATEGY FUND	02/23/05	7,000	\$25.00	\$ 175,000.00	04/22/05	1,400	\$23.90	\$ 33,253.35
TCT Co. 1	NFJ DIVIDEND INTEREST & PREMIUM STRATEGY FUND					04/22/05	5,600	\$24.05	\$ 134,514.38
TCT Co. 1	COHEN & STEERS WORLDWIDE REALTY INCOME FUND INC	03/28/05	3,750	\$20.00	\$ 75,000.00	05/02/05	3,750	\$19.88	\$ 74,441.63
TCT Co. 1	ING GLOBAL EQUITY DIVID & PREM OPPORTUNITY FUND	03/28/05	6,250	\$20.00	\$ 125,000.00	05/17/05	6,250	\$19.82	\$ 123,673.57
TCT Co. 1	NICHOLAS APPELATE INTL & PREM STRATEGY FUND	04/26/05	7,000	\$25.00	\$ 175,000.00	06/01/05	7,000	\$25.01	\$ 175,007.43
TCT Co. 1	BLACKROCK GLOBAL OPPORTUNITIES EQUITY TRUST	05/25/05	4,000	\$25.00	\$ 100,000.00	07/25/05	1,700	\$24.31	\$ 41,145.02
TCT Co. 1	BLACKROCK GLOBAL OPPORTUNITIES EQUITY TRUST					07/26/05	2,300	\$23.85	\$ 54,749.45
TCT Co. 1	EATON VANCE TAX MANAGED BUY WRITE OPPORTUNITIES FUND	06/27/05	7,500	\$20.00	\$ 150,000.00	07/25/05	1,100	\$20.25	\$ 22,218.82
TCT Co. 1	EATON VANCE TAX MANAGED BUY WRITE OPPORTUNITIES FUND					08/23/05	4,400	\$20.02	\$ 87,941.57
TCT Co. 1	EATON VANCE TAX MANAGED BUY WRITE OPPORTUNITIES FUND					08/24/05	2,000	\$19.95	\$ 39,793.08
TCT Co. 1	KAYNE ANDERSON ENERGY TOTAL RETURN FUND INC	06/27/05	5,000	\$25.00	\$ 125,000.00	08/24/05	5,000	\$24.69	\$ 123,125.58

TCT Co. 2	EATON VANCE TAX ADVANTAGED GLOBAL DIVID INCOME FUND	01/27/04	5,000	\$20.00	\$ 100,000.00	03/25/04	5,000	\$19.24	\$ 95,690.99
TCT Co. 2	ING CLARION GLOBAL REAL ESTATE INCOME FUND	02/24/04	6,700	\$15.00	\$ 100,500.00	04/27/04	6,700	\$12.30	\$ 82,302.82
TCT Co. 2	JOHN HANCOCK TAX ADVANTAGED DIVID INCOME FUND	02/24/04	6,200	\$20.00	\$ 124,000.00	04/23/04	6,200	\$17.60	\$ 108,988.19
TCT Co. 2	CALAMOS STRATEGIC TOTAL RETURN FUND	03/25/04	6,000	\$15.00	\$ 90,000.00	05/10/04	6,000	\$12.55	\$ 75,192.98
TCT Co. 2	EATON VANCE TAX ADVANTAGED GLOBAL DIVID OPPORTUNITIES FD	04/27/04	7,500	\$20.00	\$ 150,000.00	06/21/04	3,000	\$18.28	\$ 54,748.71
TCT Co. 2	EATON VANCE TAX ADVANTAGED GLOBAL DIVID OPPORTUNITIES FD					06/21/04	3,000	\$18.30	\$ 54,800.46
TCT Co. 2	EATON VANCE TAX ADVANTAGED GLOBAL DIVID OPPORTUNITIES FD					07/01/04	1,500	\$17.75	\$ 26,520.12
TCT Co. 2	EATON VANCE FLOATING RATE INCOME TRUST	06/24/04	10,000	\$20.00	\$ 200,000.00	08/23/04	10,000	\$19.50	\$ 194,906.18
TCT Co. 2	BLACKROCK GLOBAL FLOATING RATE INCOME TRUST	08/25/04	10,000	\$20.00	\$ 200,000.00	10/20/04	10,000	\$19.32	\$ 193,105.22
TCT Co. 2	SCUDDER GLOBAL COMMODITIES STOCK FUND INC	09/23/04	6,700	\$15.00	\$ 100,500.00	11/19/04	100	\$14.25	\$ 1,369.72
TCT Co. 2	KAYNE ANDERSON MLP INVESTMENT CO	09/27/04	4,000	\$25.00	\$ 100,000.00	11/19/04	4,000	\$25.01	\$ 99,932.40
TCT Co. 2	SCUDDER GLOBAL COMMODITIES STOCK FUND					11/22/04	3,000	\$14.15	\$ 42,349.00

Customer	Closed End Fund	PURCHASE AT IPO				SALE WITHIN 6 MONTHS			
		Trade Date (BUY)	Quantity	Price	Net Amount	Trade Date (SELL)	Quantity	Price	Net Amount
TCT Co. 2	SCUDDER GLOBAL COMMODITIES STOCK FUND INC					11/22/04	3,600	\$14.10	\$ 50,653.56
TCT Co. 2	PIMCO FLOATING RATE STRATEGY FUND	10/26/04	7,500	\$20.00	\$ 150,000.00	12/09/04	7,500	\$19.55	\$ 146,540.31
TCT Co. 2	EATON VANCE ENHANCED EQUITY INCOME FUND	10/26/04	7,500	\$20.00	\$ 150,000.00	12/09/04	7,500	\$19.73	\$ 147,872.28
TCT Co. 2	PIONEER FLOATING RATE TRUST	12/22/04	7,500	\$20.00	\$ 150,000.00	01/21/05	4,300	\$20.01	\$ 85,977.59
TCT Co. 2	PIONEER FLOATING RATE TRUST					01/24/05	3,200	\$20.01	\$ 63,924.64
TCT Co. 2	BLACKROCK GLOBAL ENERGY & RESOURCES TRUST	12/22/04	6,000	\$25.00	\$ 150,000.00	02/18/05	3,500	\$25.01	\$ 87,432.12
TCT Co. 2	BLACKROCK GLOBAL ENERGY & RESOURCES TRUST					02/18/05	2,500	\$25.03	\$ 62,526.70
TCT Co. 2	EATON VANCE ENHANCED EQUITY INCOME FD II	01/26/05	5,000	\$20.00	\$ 100,000.00	03/16/05	2,800	\$20.04	\$ 55,992.90
TCT Co. 2	EATON VANCE ENHANCED EQUITY INCOME FD II					03/18/05	2,200	\$19.80	\$ 43,453.31
TCT Co. 2	NFI DIVIDEND INTEREST & PREMIUM STRATEGY FUND	02/23/05	7,000	\$25.00	\$ 175,000.00	04/22/05	7,000	\$23.90	\$ 167,087.75
TCT Co. 2	COHEN & STEERS WORLDWIDE REALTY INCOME FUND INC	03/28/05	4,750	\$20.00	\$ 95,000.00	05/25/05	4,750	\$20.02	\$ 94,990.77
TCT Co. 2	ING GLOBAL EQUITY DIVID & PREM OPPORTUNITY FUND	03/28/05	5,000	\$20.00	\$ 100,000.00	05/25/05	5,000	\$20.03	\$ 100,040.56
TCT Co. 2	NICHOLAS APPLGATE INTL & PREM STRATEGY FUND	04/26/05	7,000	\$25.00	\$ 175,000.00	06/01/05	7,000	\$25.01	\$ 175,007.43
TCT Co. 2	BLACKROCK GLOBAL OPPORTUNITIES EQUITY TRUST	05/25/05	4,000	\$25.00	\$ 100,000.00	07/26/05	4,000	\$23.91	\$ 95,469.75
TCT Co. 2	EATON VANCE TAX MANAGED BUY WRITE OPPORTUNITIES FUND	06/27/05	7,500	\$20.00	\$ 150,000.00	07/25/05	3,700	\$20.25	\$ 74,816.61
TCT Co. 2	EATON VANCE TAX MANAGED BUY WRITE OPPORTUNITIES FUND					08/24/05	3,800	\$19.95	\$ 75,601.58
TCT Co. 2	BLACKROCK ENHANCED DIVID ACHIEVERS TRUST	08/25/05	6,300	\$15.00	\$ 94,500.00	09/14/05	6,300	\$15.11	\$ 94,983.77
TCT Co. 2	EATON VANCE TAX MANAGED GLOBAL BUY WRITE OPPORTUNITIES FUND	09/27/05	10,000	\$20.00	\$ 200,000.00	11/09/05	5,000	\$19.30	\$ 96,190.71
TCT Co. 2	EATON VANCE TAX MANAGED GLOBAL BUY WRITE OPPORTUNITIES FUND					11/22/05	1,500	\$18.25	\$ 26,807.97
TCT Co. 2	EATON VANCE TAX MANAGED GLOBAL BUY WRITE OPPORTUNITIES FUND					11/23/05	3,500	\$17.88	\$ 61,658.91
TCT Co. 2	KAYNE ANDERSON MLP INVESTMENT CO	10/12/05	2,000	\$27.00	\$ 54,000.00	10/26/05	2,000	\$25.66	\$ 51,202.60
TCT Co. 2	CALAMOS GLOBAL TOTAL RETURN FUND	10/26/05	5,000	\$15.00	\$ 75,000.00	11/23/05	5,000	\$13.27	\$ 65,287.79