



IAPD Report

JAMES DEWEY TOMLIN

CRD# 1032498

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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.



IAPD Information About Representatives

IAPD offers information on all current-and many former representatives. Investors are strongly encouraged to use IAPD to check the background of representatives before deciding to conduct, or continue to conduct, business with them.

What is included in a IAPD report?

IAPD reports for individual representatives include information such as employment history, professional qualifications, disciplinary actions, criminal convictions, civil judgments and arbitration awards.

It is important to note that the information contained in an IAPD 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 representative, or concluded through a negotiated settlement with no admission or finding of wrongdoing.

Where did this information come from?

The information contained in IAPD comes from the Investment Adviser Registration Depository (IARD) and FINRA's Central Registration Depository, or CRD, (see more on CRD below) and is a combination of:

- information the states require representatives and firms to submit as part of the registration and licensing process, and
- information that state regulators report regarding disciplinary actions or allegations against representatives.

How current is this information?

Generally, representatives are required to update their professional and disciplinary information in IARD within 30 days.

Need help interpreting this report?

For help understanding how to read this report, please consult NASAA's IAPD Tips page <http://www.nasaa.org/IAPD/IARReports.cfm>

What if I want to check the background of an Individual Broker or Brokerage Firm?

To check the background of an Individual Broker or Brokerage firm, you can search for the firm or individual in IAPD. If your search is successful, click on the link provided to view the available licensing and registration information in FINRA's BrokerCheck website.

Are there other resources I can use to check the background of investment professionals?

It is recommended that you learn as much as possible about an individual representative or Investment Adviser firm before deciding to work with them. Your state securities regulator can help you research individuals and certain firms doing business in your state. The contact information for state securities regulators can be found on the website of the North American Securities Administrators Association <http://www.nasaa.org>



Report Summary

JAMES DEWEY TOMLIN (CRD# 1032498)

The report summary provides an overview of the representative's professional background and conduct. The information contained in this report has been provided by the representative, investment adviser and/or securities firms, and/or securities regulators as part of the states' investment adviser registration and licensing process. The information contained in this report was last updated by the representative, a previous employing firm, or a securities regulator on **09/18/2024**.

CURRENT EMPLOYERS

	Firm	CRD#	Registered Since
B	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED	CRD# 7691	03/02/1982
IA	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED	CRD# 7691	12/03/2005

QUALIFICATIONS

This representative is currently registered in **6** SRO(s) and **33** jurisdiction(s).

Is this representative currently Inactive or Suspended with any regulator? **No**

Note: Not all jurisdictions require IAR registration or may have an exemption from registration.

Additional information including this individual's qualification examinations and professional designations is available in the Detailed Report.

REGISTRATION HISTORY

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

FIRM	CRD#	LOCATION	REGISTRATION DATES
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No information reported.

For additional registration and employment history details as reported by the individual, refer to the Registration and Employment History section of the Detailed Report.

DISCLOSURE INFORMATION

Disclosure events include certain criminal charges and convictions, formal investigations and disciplinary actions initiated by regulators, customer disputes and arbitrations, and financial disclosures such as bankruptcies and unpaid judgments or liens.

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

The following types of events are disclosed about this representative:

Type	Count
Criminal	1
Customer Dispute	2



Qualifications

REGISTRATIONS

This section provides the SRO, states and U.S. territories in which the representative is currently registered and licensed, the category of each registration, and the date on which the registration becomes effective. This section also provides, for each firm with which the representative is currently employed, the address of each location where the representative works. This individual is currently registered with **33** jurisdiction(s) and 6 SRO(s) through his or her employer(s).

Employment 1 of 1

Firm Name: **MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED**

Main Address: ONE BRYANT PARK
NEW YORK, NY 10036

Firm ID#: 7691

	Regulator	Registration	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	03/02/1982
B	Nasdaq Stock Market	General Securities Representative	Approved	07/12/2006
B	New York Stock Exchange	General Securities Representative	Approved	04/21/1982
B	Alabama	Agent	Approved	08/04/1995
B	Arizona	Agent	Approved	05/03/2016
B	California	Agent	Approved	03/28/1988
B	Colorado	Agent	Approved	01/09/1998
B	Connecticut	Agent	Approved	08/25/1983
IA	Connecticut	Investment Adviser Representative	Approved	06/20/2008
B	Florida	Agent	Approved	05/09/1983



Qualifications

	Regulator	Registration	Status	Date
IA	Florida	Investment Adviser Representative	Approved	12/21/2022
B	Georgia	Agent	Approved	07/22/2002
B	Illinois	Agent	Approved	02/08/2013
B	Kansas	Agent	Approved	01/03/2022
B	Maine	Agent	Approved	12/16/2022
B	Maryland	Agent	Approved	12/19/1994
B	Massachusetts	Agent	Approved	01/07/1992
B	Michigan	Agent	Approved	07/18/2002
B	Minnesota	Agent	Approved	01/30/1998
B	Mississippi	Agent	Approved	09/19/2024
B	Missouri	Agent	Approved	02/28/2013
B	Nevada	Agent	Approved	01/30/1998
B	New Hampshire	Agent	Approved	03/05/2013
B	New Jersey	Agent	Approved	08/24/1983
IA	New Jersey	Investment Adviser Representative	Approved	03/19/2008
B	New York	Agent	Approved	03/02/1982
IA	New York	Investment Adviser Representative	Approved	04/19/2021
B	North Carolina	Agent	Approved	12/11/1991
B	Ohio	Agent	Approved	02/11/2013



Qualifications

	Regulator	Registration	Status	Date
B	Oregon	Agent	Approved	12/02/2004
B	Pennsylvania	Agent	Approved	07/25/1986
B	Rhode Island	Agent	Approved	09/28/1988
B	South Carolina	Agent	Approved	07/18/2002
B	Tennessee	Agent	Approved	05/04/2021
B	Texas	Agent	Approved	12/03/2005
IA	Texas	Investment Adviser Representative	Restricted Approval	12/03/2005
B	Utah	Agent	Approved	01/03/2022
B	Vermont	Agent	Approved	11/15/1993
B	Virginia	Agent	Approved	07/18/2002
B	Washington	Agent	Approved	01/08/1998
B	Wisconsin	Agent	Approved	05/02/2007

Branch Office Locations

**MERRILL LYNCH, PIERCE, FENNER & SMITH
INCORPORATED**
1325 FRANKLIN AVE
GARDEN CITY, NY 11530

**MERRILL LYNCH, PIERCE, FENNER & SMITH
INCORPORATED**
Jupiter, FL



Qualifications

PASSED INDUSTRY EXAMS

This section includes all industry exams that the representative has passed. Under limited circumstances, a representative may attain registration after receiving an exam waiver based on a combination of exams the representative has passed and qualifying work experience. Likewise a new exam requirement may be grandfathered based on a representative's specific qualifying work experience. Exam waivers and grandfathering are not included below.

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
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No information reported.

General Industry/Product Exams

Exam	Category	Date
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	Securities Industry Essentials Examination (SIE)	SIE	10/01/2018
	Interest Rate Options Examination (S5)	Series 5	03/30/1982
	General Securities Representative Examination (S7)	Series 7	02/20/1982

State Securities Law Exams

Exam	Category	Date
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	Uniform Investment Adviser Law Examination (S65)	Series 65	06/09/2008
	Uniform Securities Agent State Law Examination (S63)	Series 63	04/23/1982

PROFESSIONAL DESIGNATIONS

This section details that the representative has reported **0** professional designation(s).

No information reported.

Only professional designations listed in Question 8 of the Form U4 will appear in this section if the appropriate box is checked and verified by the issuing organization at the time of the filing. Learn more about eligible designations at [IARD](#) and [NASAA](#).



Registration & Employment History

PREVIOUSLY REGISTERED WITH THE FOLLOWING FIRMS

This representative held registrations with the following firms:

No information reported.

EMPLOYMENT HISTORY

Below is the representative's employment history for up to the last 10 years.

Employment Dates	Employer Name	Position	Investment Related	Employer Location
12/2009 - Present	BANK OF AMERICA, NA	WEALTH MANAGEMENT ADVISOR	Y	GARDEN CITY, NY, United States
12/1981 - Present	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED	FINANCIAL ADVISOR	Y	GARDEN CITY, NY, United States

OTHER BUSINESS ACTIVITIES

This section includes information, if any, as provided by the representative regarding other business activities the representative 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 Summary

Disclosure Information

What you should know about reported disclosure events:

(1) Certain thresholds must be met before an event is reported to IARD, for example:

- A law enforcement agency must file formal charges before an Investment Adviser Representative is required to report a particular criminal event.;
- A customer dispute must involve allegations that an Investment Adviser Representative engaged in activity that violates certain rules or conduct governing the industry and that the activity resulted in damages of at least \$5,000.

(2) Disclosure events in IAPD reports come from different sources:

As mentioned in the "About IAPD" section on page 1 of this report, information contained in IAPD comes from Investment Adviser Representatives, 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 IAPD report. The different versions will be separated by a solid line with the reporting source labeled.

(3) There are different statuses and dispositions for disclosure events:

- A disclosure event may have a status of *pending*, *on appeal*, or *final*.
 - A "pending" disclosure event involves allegations that have not been proven or formally adjudicated.
 - A disclosure event that is "on appeal" involves allegations that have been adjudicated but are currently being appealed.
 - A "final" disclosure event has been concluded and its resolution is not subject to change.
- A final disclosure 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 represents a disposition wherein the parties involved in a dispute reach an agreement to resolve the matter. Please note that Investment Adviser Representatives and firms may choose to settle customer disputes or regulatory matters for business or other reasons.
 - A "resolved" matter usually includes a disposition wherein no payment is made to the customer or there is no finding of wrongdoing on the part of the Investment Adviser Representative. Such matters generally involve customer disputes.

(4) You may wish to contact the Investment Adviser Representatives to obtain further information regarding any of the disclosure events contained in this IAPD report.



DISCLOSURE EVENT DETAILS

When evaluating this information, please keep in mind that some items may involve pending actions or allegations that may be contested and have not been resolved or proven. The event may, in the end, be withdrawn, dismissed, resolved in favor of the Investment Adviser Representative, or concluded through a negotiated settlement with no admission or finding of wrongdoing.

This report provides the information exactly as it was reported to the Investment Adviser Registration Depository. Some of the specific data fields contained in the report may be blank if the information was not provided.

The following types of events are disclosed about this representative:

Type	Count
Criminal	1
Customer Dispute	2

Criminal

This disclosure event involves a criminal charge against the Investment Adviser Representative that has resulted in a dismissal, plea, acquittal or conviction. The criminal matter may relate to any felony or certain misdemeanor offenses (e.g., bribery, perjury, forgery, counterfeiting, extortion, fraud, wrongful taking of property).

Disclosure 1 of 1

Reporting Source:	Individual
Organization Name (if charge(s) were brought against an organization over which individual exercised control):	TOWN OF ALLEGHENY, NY-- THIS WAS NOT AN INVESTMENT RELATED BUSINESS.
Court Details:	COUNTY OF ALLEGHANY COURT (CONTACT CINDY BOOTH, 732-373-3670)
Charge Date:	05/01/1976
Charge Details:	1.) 1 COUNT OF LARCENY (TAKING OF SCHOOL PROPERTY, ACTION CONTEMPLATING DISMISSAL) 2.) MISDEMEANOR 3.) NO PLEA WAS GIVEN 4.) PROCUCT WAS NOT INVESTMENT RELATED. TOMLIN WAS CHARGED WITH TAKING TRAYS OF DONUTS FROM THE SCHOOL CAFETERIA.
Felony?	No
Current Status:	Final
Status Date:	11/01/1976
Disposition Details:	CHARGE WAS DISMISSED AFTER SIX MONTHS.



Customer Dispute

This section provides information regarding a customer dispute that was reported to the Investment Adviser Registration Depository (IARD) by the Investment Adviser Representative (IAR), an investment adviser and/or securities firm, and/or a securities regulator. The event may include a consumer-initiated, investment-related complaint, arbitration proceeding or civil suit that contains allegations of sales practice violations against the individual.

The customer dispute may be pending or may have resulted in a civil judgment, arbitration award, monetary settlement, closure without action, withdrawal, dismissal, denial, or other outcome.

Disclosure 1 of 2

Reporting Source: Regulator

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

Allegations: BREACH OF FIDUCIARY DUTY, FRAUD, MISREPRESENTATION, NEGLIGENCE, SUITABILITY, UNAUTHORIZED TRADING, CHURNING

Product Type: Other

Other Product Type(s): MUNICIPAL BONDS

Alleged Damages: \$1,000,000.00

Arbitration Information

Arbitration/Reparation Claim filed with and Docket/Case No.: [NASD - CASE #04-01063](#)

Date Notice/Process Served: 02/17/2004

Arbitration Pending? No

Disposition: Withdrawn

Disposition Date: 04/27/2005

Disposition Detail: ON OR ABOUT APRIL 27, 2005, CLAIMANTS WITHDREW THEIR CLAIMS AGAINST RESPONDENT.

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Reporting Source: Individual

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

Allegations: CLAIMANTS ALLEGE FA MADE UNSUITABLE INVESTMENTS.

Product Type: Equity - OTC

Other Product Type(s): EQUITY LISTED
MUTUAL FUNDS

Alleged Damages: \$1,000,000.00

Customer Complaint Information

Date Complaint Received: 02/27/2004

Complaint Pending? No

Status: Arbitration/Reparation

Status Date: 02/27/2004

**Settlement Amount:****Individual Contribution
Amount:****Arbitration Information****Arbitration/Reparation Claim
filed with and Docket/Case
No.:**[NASD DISPUTE RESOLUTION CASE NO 04-01063](#)**Date Notice/Process Served:** 02/27/2004**Arbitration Pending?** No**Disposition:** Settled**Disposition Date:** 05/27/2005**Monetary Compensation
Amount:** \$9,900.00**Individual Contribution
Amount:** \$0.00**Disclosure 2 of 2****Reporting Source:** Individual**Employing firm when
activities occurred which led
to the complaint:**

Allegations: CUSTOMER ALLEGES THAT INVESTMENTS RECOMMENDED BY MR. TOMLIN WERE UNSUITABLE AND THAT HER ACCOUNT SHOULD HAVE SIGNIFICANTLY HIGHER RETURNS THAN THOSE REALIZED. ALLEGED DAMAGES APPROXIMATELY \$250,000.00.

Product Type:**Alleged Damages:** \$250,000.00**Customer Complaint Information****Date Complaint Received:** 02/13/1998**Complaint Pending?** No**Status:** Denied**Status Date:** 02/25/1998**Settlement Amount:****Individual Contribution
Amount:****Broker Statement**

CUSTOMER COMMENCED AN ARBITRATION AGAINST MERRILL, LYNCH, PIERCE, FENNER & SMITH ONLY AND DID NOT PURSUE HER CLAIM AGAINST MR. TOMLINSON AND DID NOT NAME HIM IN THE ARBITRATION PROCEEDING. CUSTOMER'S ALLEGATIONS WERE DETERMINED TO BE WITHOUT MERIT. WITH HINDSIGHT TH THE CUSTOMER NOW BELIEVES THAT HER TWO ACCOUNTS SHOULD HAVE PERFORMED JUST AS THE STANDARD & POOR'S INDEX DURING THIS RECORD BULL MARKET. THE CUSTOMER REPATEDLY DECLINED MR. TOMLIN'S RECOMMENDATIONS THAT



SHE DIVERSIFY HER PORTFOLIO. AT ALL TIMES MR. TOMLIN FOLLOWED THE CUSTOMER'S INSTRUCTIONS WITH RESPECT TO HER TWO ACCOUNTS, WHICH EXPERIENCED A TOTAL RETURN FROM INVESTMENTS OF APPROXIMATELY \$38,767.00 OVER A TEN AND SIX YEAR TIME PERIOD RESPECTIVELY.



End of Report

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