



IAPD Report

MARK HENRY FISKIO

CRD# 1197038

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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

MARK HENRY FISKIO (CRD# 1197038)

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 **11/11/2024**.

CURRENT EMPLOYERS

	Firm	CRD#	Registered Since
IA	EMPIRICAL ASSET MANAGEMENT, LLC	CRD# 155436	06/14/2012

QUALIFICATIONS

This representative is currently registered in **0** SRO(s) and **2** 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
B	RACE ROCK CAPITAL LLC	153363	BOSTON, MA	06/08/2016 - 07/06/2017
B	HERBERT J. SIMS & CO. INC.	3420	FAIRFIELD, CT	10/04/2012 - 06/09/2014
IA	M3 ADVISORY GROUP, LLC	156208	NEWTON, MA	10/12/2012 - 11/18/2013

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
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 **2** jurisdiction(s) and **0** SRO(s) through his or her employer(s).

Employment 1 of 1

Firm Name: **EMPIRICAL ASSET MANAGEMENT, LLC**
Main Address: 57 RIVER STREET
SUITE 301
WELLESLEY, MA 02481
Firm ID#: 155436

	Regulator	Registration	Status	Date
IA	Massachusetts	Investment Adviser Representative	Approved	06/14/2012
IA	Texas	Investment Adviser Representative	Restricted Approval	05/28/2015

Branch Office Locations

EMPIRICAL ASSET MANAGEMENT, LLC
57 RIVER STREET
SUITE 301
WELLESLEY, MA 02481




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 1 principal/supervisory exam, 3 general industry/product exams, and 2 state securities law exams.



Principal/Supervisory Exams

Exam	Category	Date
 General Securities Sales Supervisor Examination (Options Module & General Module) (S8)	Series 8	03/15/1996

General Industry/Product Exams

Exam	Category	Date
 Securities Industry Essentials Examination (SIE)	SIE	07/06/2017
 National Commodity Futures Examination (S3)	Series 3	11/23/1983
 General Securities Representative Examination (S7)	Series 7	10/15/1983

State Securities Law Exams

Exam	Category	Date
 Uniform Investment Adviser Law Examination (S65)	Series 65	04/03/2007
 Uniform Securities Agent State Law Examination (S63)	Series 63	10/27/1983

PROFESSIONAL DESIGNATIONS

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

No information reported.



Registration & Employment History

PREVIOUSLY REGISTERED WITH THE FOLLOWING FIRMS

This representative held registrations with the following firms:

	Registration Dates	Firm Name	ID#	Branch Location
B	06/08/2016 - 07/06/2017	RACE ROCK CAPITAL LLC	CRD# 153363	BOSTON, MA
B	10/04/2012 - 06/09/2014	HERBERT J. SIMS & CO. INC.	CRD# 3420	FAIRFIELD, CT
IA	10/12/2012 - 11/18/2013	M3 ADVISORY GROUP, LLC	CRD# 156208	NEWTON, MA
IA	09/22/2006 - 10/01/2010	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED	CRD# 7691	NEWTON, MA
B	03/08/2006 - 10/01/2010	MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED	CRD# 7691	NEWTON, MA
B	05/09/1994 - 03/08/2006	ADVEST, INC.	CRD# 10	HARTFORD, CT
B	03/15/1990 - 05/04/1994	PAINWEBBER INCORPORATED	CRD# 8174	WEEHAWKEN, NJ
B	03/09/1987 - 03/26/1990	DONALDSON, LUFKIN & JENRETTE SECURITIES CORPORATION	CRD# 7560	JERSEY CITY, NJ
B	10/20/1983 - 03/30/1987	SHEARSON LEHMAN BROTHERS INC.	CRD# 7506	

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
10/2010 - Present	EMPIRICAL ASSET MANAGEMENT, LLC	MANAGING DIRECTOR	Y	WELLESLEY, MA, United States
05/2016 - 07/2017	Race Rock Capital LLC	Registered Representative	Y	Boston, MA, 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.

EMPIRICAL FISCAL PARTNERS; YES; SAME ADDRESS; GP TO PRIVATE FUND; MANAGER; 08/2011; 5 HRS/MNTH; 5 HRS/MNTH DURING TRADING HRS; MANAGER AND MEMBER OF ENTITY THAT SERVES AS GP OF EAM PRIVATE FUND



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
Customer Dispute	2

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: PAINWEBBER INCORPORATED

Allegations: ACCOUNT RELATED - FAILURE TO SUPERVISE; SUITABILITY; OTHER; ACCOUNT RELATED-NEGLIGENCE

Product Type:

Alleged Damages: \$299,215.00

Arbitration Information

Arbitration/Reparation Claim filed with and Docket/Case No.: NASD - CASE #97-01445

Date Notice/Process Served: 04/28/1997

Arbitration Pending? No

Disposition: Settled

Disposition Date: 09/03/1997

Disposition Detail: CLOSED - PARTIES SETTLED THRU MEDIATION ACTUAL/COMPENSATORY DAMAGES, RELIEF REQUEST IS WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY; ACTUAL/COMPENSATORY DAMAGES, RELIEF REQUEST IS WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY; ACTUAL/COMPENSATORY DAMAGES, RELIEF REQUEST IS WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY; ACTUAL/COMPENSATORY DAMAGES, RELIEF REQUEST IS



WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY;
 ACTUAL/COMPENSATORY DAMAGES, RELIEF REQUEST IS
 WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY;
 ACTUAL/COMPENSATORY DAMAGES, RELIEF REQUEST IS
 WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY;
 INTEREST, 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; 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; ATTORNEY'S FEES, RELIEF REQUEST
 IS WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY;
 OTHER MONETARY RELIEF, RELIEF REQUEST IS
 WITHDRAWN/SETTLED/ETC,
 AWARD AMOUNT JOINTLY AND SEVERALLY; OTHER MONETARY RELIEF,
 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;
 PUNITIVE/EXEMPLARY DAMAGES, RELIEF REQUEST IS
 WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY AND SEVERALLY;
 OTHER MONETARY RELIEF, RELIEF REQUEST IS
 WITHDRAWN/SETTLED/ETC,
 AWARD AMOUNT JOINTLY AND SEVERALLY; OTHER MONETARY RELIEF,
 RELIEF REQUEST IS WITHDRAWN/SETTLED/ETC, AWARD AMOUNT JOINTLY
 AND SEVERALLY

Reporting Source: Firm

Employing firm when activities occurred which led to the complaint: PAINWEBBER INCORPORATED

Allegations: Alleged losses from equity trading in client's account prior to 6/92 based on claims of breach of fiduciary dt, excessive trdg, fraud, negligence, brch of contract & failure to supervise. Alleged damages of \$300k, fees & punitive damages.

Product Type:

Alleged Damages: \$299,215.00

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; 97-01445

Date Notice/Process Served: 04/28/1997

Arbitration Pending? No

Disposition: Settled

Disposition Date: 09/03/1997

Monetary Compensation Amount: \$210,500.00

Individual Contribution Amount: \$10,000.00

Firm Statement
Without admitting any liability, PaineWebber agreed to pay Claimants the sum of \$210.5k in full & final settlement. Mr. Fiskio has paid \$10k to the settlement. The underlying facts which gave rise to this matter occurred prior to 6/92 & the claim was filed in or about 4/97, approximately 5 years later. But for the delay, PaineWebber believes it may have been able to defend this claim.
Contact: Stephanie Morse-Shamosh (201) 902-6629

Reporting Source: Individual

Employing firm when activities occurred which led to the complaint: PAINWEBBER INCORPORATED

Allegations: ALLEGES EXCESSIVE MARGIN TRADING AND UNSUITABILITY. SEEKING DAMAGES OF OVER \$300,000.00.

Product Type: Equity-OTC
Equity Listed (Common & Preferred Stock)

Alleged Damages: \$299,215.00

Customer Complaint Information

Date Complaint Received:

Complaint Pending? No

Status: Settled

Status Date: 09/03/1997

Settlement Amount: \$210,500.00

Individual Contribution Amount: \$10,000.00

Arbitration Information

Arbitration/CFTC reparation claim filed with (FINRA, AAA, CFTC, etc.): FINRA (NASD)

Docket/Case #: 97-01445

Date Notice/Process Served: 04/28/1997



Arbitration Pending? No

Disposition: Settled

Disposition Date: 09/03/1997

Monetary Compensation Amount: \$210,500.00

Individual Contribution Amount: \$10,000.00

Broker Statement

WITHOUT ADMITTING ANY LIABILITY, PAINE WEBBER AGREED TO PAY CLAIMANTS THE SUM OF \$210,500 IN FULL AND FINAL SETTLEMENT. BECAUSE PAINE WEBBER PROVIDED FOR MY LEGAL COSTS AND EXPENSES IN CONNECTION WITH THIS MATTER, I CONTRIBUTED \$10,000 TO THE SETTLEMENT. THE UNDERLYING FACTS WHICH GAVE RISE TO THIS MATTER OCCURRED IN 1991 AND 1992, BUT THE CLAIM WAS NOT FILED BY CLAIMANTS` COUNSEL UNTIL APRIL 1997, APPROXIMATELY FIVE YEARS LATER. I UNDERSTAND THAT PAINE WEBBER`S DECISION TO SETTLE THIS MATTER WAS BASED, IN PART, ON THE FACT THAT IT COULD NOT LOCATE RECORDS OF CORRESPONDENCE THAT PASSED BETWEEN IT AND CLAIMANTS AND WHICH CONFIRMED THAT THE TRADING ACTIVITY IN THE ACCOUNT WAS CONSISTENT WITH THEIR STATED GOALS AND OBJECTIVES. I CONTINUE TO MAINTAIN THAT ALL OF THE INVESTMENTS I RECOMMENDED FOR CLAIMANTS WERE SUITABLE, AND I ACTED APPROPRIATELY AT ALL TIMES.

Disclosure 2 of 2

Reporting Source: Regulator

Employing firm when activities occurred which led to the complaint: DONALDSON, LUFKIN & JENRETTE SECURITIES CORP

Allegations: MISREPRESENTATION; SUITABILITY; CHURNING

Product Type:

Alleged Damages: \$142,031.00

Arbitration Information

Arbitration/Reparation Claim filed with and Docket/Case No.: [NASD - CASE #90-01457](#)

Date Notice/Process Served: 05/25/1990

Arbitration Pending? No

Disposition: Other

Disposition Date: 06/20/1991

Disposition Detail: AWARD AGAINST PARTY ACTUAL/COMPENSATORY DAMAGES, RELIEF HAS BEEN AWARDED (PARTIAL OR FULL), AWARD AMOUNT \$43,000.00 JOINTLY AND SEVERALL



Reporting Source: Individual
Employing firm when activities occurred which led to the complaint: DONALDSON, LUFKIN & JENRETTE SECURITIES CORP
Allegations: ALLEGED UNSUITABLE TRADING. SEEKING DAMAGES OF \$159,238.00.
Product Type: Equity-OTC
Equity Listed (Common & Preferred Stock)
Alleged Damages: \$142,031.00

Customer Complaint Information

Date Complaint Received:
Complaint Pending? No
Status: Arbitration Award/Monetary Judgment (for claimants/plaintiffs)
Status Date: 06/20/1991
Settlement Amount: \$43,000.00
Individual Contribution Amount: \$3,000.00

Arbitration Information

Arbitration/CFTC reparation claim filed with (FINRA, AAA, CFTC, etc.): FINRA (NASD)
Docket/Case #: [90-01457](#)
Date Notice/Process Served: 05/25/1990
Arbitration Pending? No
Disposition: Award to Customer
Disposition Date: 06/20/1991
Monetary Compensation Amount: \$43,000.00
Individual Contribution Amount: \$3,000.00
Broker Statement RESPONDENT FISKIO IS LIABLE TO THE CLAIMANT FOR \$3,000.00 . ALSO, RESPONDENT DLJ WAS LIABLE TO THE CLAIMANT FOR \$35,000.00 AN D RESPONDENT KANTER WAS LIABLE FOR \$5,000.00.



End of Report

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