



## IAPD Report

# THOMAS CHARLES MARSELLA

CRD# 320583

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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

### THOMAS CHARLES MARSELLA (CRD# 320583)

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 **04/16/2012**.

### CURRENT EMPLOYERS

	Firm	CRD#	Registered Since
<b>IA</b>	EARNINGS INVESTMENT CO.	CRD# 136387	08/04/1998

### QUALIFICATIONS

This representative is currently registered in **0** SRO(s) and **1** 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>B</b>	TRAVIS MORGAN SECURITIES INC.	29088	DALLAS, TX	02/01/1999 - 11/17/1999
<b>B</b>	PATON WAGNER CORPORATION	30784	MARINA DEL REY, CA	06/30/1993 - 02/06/1997
<b>B</b>	MONTEREY BAY SECURITIES, INC.	16274	APTOS, CA	06/30/1989 - 03/02/1993

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
Regulatory Event	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 **1** jurisdiction(s) and **0** SRO(s) through his or her employer(s).

#### Employment 1 of 1

Firm Name: **EARNINGS INVESTMENT CO.**  
Main Address: FRESNO, CA  
Firm ID#: 136387

Regulator	Registration	Status	Date
<b>IA</b> California	Investment Adviser Representative	Approved	08/04/1998

#### Branch Office Locations

**EARNINGS INVESTMENT CO.**  
FRESNO, CA



## 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, 1 general industry/product exam, and 1 state securities law exam.**

#### Principal/Supervisory Exams

Exam	Category	Date
General Securities Principal Examination (S24)	Series 24	06/13/1988

#### General Industry/Product Exams

Exam	Category	Date
Registered Representative Examination (S1)	Series 1	08/12/1969

#### State Securities Law Exams

Exam	Category	Date
Uniform Securities Agent State Law Examination (S63)	Series 63	10/02/1986

### 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	02/01/1999 - 11/17/1999	TRAVIS MORGAN SECURITIES INC.	CRD# 29088	DALLAS, TX
B	06/30/1993 - 02/06/1997	PATON WAGNER CORPORATION	CRD# 30784	MARINA DEL REY, CA
B	06/30/1989 - 03/02/1993	MONTEREY BAY SECURITIES, INC.	CRD# 16274	APTOS, CA
B	04/06/1988 - 04/25/1989	SOURCE SECURITIES, INC.	CRD# 8026	
B	03/16/1976 - 01/30/1989	HARTFORD EQUITY SALES COMPANY INC.	CRD# 6604	
B	07/03/1986 - 03/08/1988	SECURITIES NETWORK, INC.	CRD# 8671	
B	04/10/1984 - 06/25/1986	TITAN CAPITAL CORPORATION	CRD# 6359	
B	08/19/1969 - 04/25/1986	TRAVELERS EQUITIES SALES, INC.	CRD# 833	
B	10/13/1980 - 04/02/1984	P & I EQUITIES CORPORATION	CRD# 4149	

#### 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
06/1986 - Present	MARSELLA FINANCIAL & CO.	NOT PROVIDED	N	FRESNO, CA, 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.

MARSELLA GROUP, IN FIXED AND INDEX ANNUITIES SINCE DECEMBER 1967. I SPEND ABOUT 10-12 HOURS MONTH AND IT DOES NOT INTERFERE WITH EARNINGS INVESTMENT CO OR VICE VERSA.



## 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
Regulatory Event	1
Customer Dispute	2

### Regulatory Event

This disclosure event may include a final, formal proceeding initiated by a regulatory authority (e.g., a state securities agency, a federal regulator such as the Securities and Exchange Commission or the Commodities Futures Trading Commission, or a foreign financial regulatory body) for a violation of investment-related rules or regulations. This disclosure event may also include a revocation or suspension of an Investment Adviser Representative's authority to act as an attorney, accountant or federal contractor.

#### Disclosure 1 of 1

<b>Reporting Source:</b>	Individual
<b>Regulatory Action Initiated By:</b>	CALIFORNIA DEPARTMENT OF CORPORATIONS
<b>Sanction(s) Sought:</b>	Other: ADMINISTRATIVE PENALTY CODE SECTION 25252 / 25249
<b>Date Initiated:</b>	05/19/2006
<b>Docket/Case Number:</b>	CRD136387
<b>Employing firm when activity occurred which led to the regulatory action:</b>	EARNINGS INVESTMENT CO.
<b>Product Type:</b>	Other: ADMINISTRATIVE, CLERICAL, JOURNAL ENTRIES
<b>Allegations:</b>	IMPROPER JOURNAL AND LEDGER ENTRIES. WAS NEVER REALLY CLEAR AS TO JUST WHAT WAS DONE WRONG, FOR WE WERE NOT REGISTERED WITH A BROKER DEALER AND SHE SAID WE WERE. VERY DIFFICULT LANGUAGE BARRIER ON HER PART. OUR UNDERSTANDING WAS THAT IT WAS AN AUDIT.
<b>Current Status:</b>	Final
<b>Resolution:</b>	Settled
<b>Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct?</b>	Yes



<b>Resolution Date:</b>	05/19/2006
<b>Sanctions Ordered:</b>	Other: "ORDERED TO IMMEDIATELY DISCONTINUE VIOLATIONS PURSUANT TO CORPORATIONS CODE SECTION 25249"
<b>Broker Statement</b>	THOUGH SETTLED, MY IMPRESSION WAS THAT EARNINGS INVESTMENT CO. WAS AUDITED AND THE HOURLY BILLINGS CAME TO THE \$3,000 AMOUNT. THE EXAMINER WAS NOT ABLE TO COMMUNICATE IN ENGLISH LANGUAGE TO SUCH AN EXTENT THAT WE HAD TO TURN HER OVER TO FELLOW ROTARIAN ATTORNEY TO SPEAK FOR US. HE SAID SHE WAS THE MOST DIFFICULT PERSON TO TALK TO IN HIS 27 YEARS IN BUSINESS. MY FIRM IS VERY SMALL AND WE KEEP EXCELLENT RECORDS. THE "PENALTY" WAS ALMOST 1/3 OF OUR ANNUAL BILLINGS.



## 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:** MONTEREY BAY SECURITIES, INC.

**Allegations:** >12/20/00 OMISSIONS, MISREPRESENTATION, BREACH OF FIDUCIARY DUTY

**Product Type:** Other

**Other Product Type(s):** UNKNOWN TYPE OF SECURITIES

**Alleged Damages:** \$50,000.00

### Arbitration Information

**Arbitration/Reparation Claim filed with and Docket/Case No.:** [NASD - CASE #98-01276](#)

**Date Notice/Process Served:** 04/06/1998

**Arbitration Pending?** No

**Disposition:** Settled

**Disposition Date:** 12/01/2000

**Disposition Detail:** PRIOR TO THE HEARING, EACH AND EVERY CLAIMANT IN THIS MATTER SETTLED AND DISMISSED ALL ALLEGATIONS AS TO RESPONDENT MARSELLA.

### Disclosure 2 of 2

**Reporting Source:** Regulator

**Employing firm when activities occurred which led to the complaint:** MONTEREY BAY SECURITIES, INC.

**Allegations:** SUITABILITY; MISREPRESENTATION; OMISSION OF FACTS; ACCOUNT RELATED - FAILURE TO SUPERVISE; FRAUD; BREACH OF FIDUCIARY DUTY; BREACH OF CONTRACT; BREACH OF THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING AND NEGLIGENCE; VIOLATED STATE AND FEDERAL LAW AND THE RULES AND REGULATIONS OF THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

**Product Type:** Other

**Other Product Type(s):** UNKNOWN TYPE OF SECURITIES

**Alleged Damages:** \$350,000.00



### Arbitration Information

**Arbitration/Reparation Claim filed with and Docket/Case No.:** [NASD - CASE #95-03109](#)

**Date Notice/Process Served:** 07/06/1995

**Arbitration Pending?** No

**Disposition:** Award

**Disposition Date:** 10/21/1996

**Disposition Detail:** RESPONDENTS ARE JOINTLY AND SEVERALLY LIABLE FOR AND SHALL PAY TO CLAIMANT THE SUM OF \$100,000.00 IN SATISFACTION OF CLAIMANT'S CLAIMS. CLAIMANT'S CLAIMS FOR PUNITIVE DAMAGES IS DENIED.

**Reporting Source:** Firm

**Employing firm when activities occurred which led to the complaint:** MONTEREY BAY SECURITIES

**Allegations:** CLAIMANT ALLEDGED UNSUITABILITY, MISREPRESENTATIONS, OMISSIONS, FAILURE TO SUPERVISE, BREACH OF FIDUCIARY DUTY, BREACH OF CONTRACT, BREACH OF THE COVENANT OF GOOD FAITH AND FAIR DEALING AND NEGLIGENCE. THIS UPON BEING RECOMMENDED PROMISSORY NOTES ISSUED BY TOWERS FINANCIAL CORP., WHICH THE CLIENT PURCHASED.

**Product Type:** Debt - Corporate

**Alleged Damages:** \$350,000.00

### Customer Complaint Information

**Date Complaint Received:** 06/21/1995

**Complaint Pending?** No

**Status:** Arbitration/Reparation

**Status Date:** 10/22/1996

**Settlement Amount:**

**Individual Contribution Amount:**

### Arbitration Information

**Arbitration/Reparation Claim filed with and Docket/Case No.:** [NASD ARBITRATION NUMBER 95 - 03109 EUGENE A. WHITE VS. TOM MARSELLA ET.AL.](#)

**Date Notice/Process Served:** 10/22/1996

**Arbitration Pending?** No

**Disposition:** Award to Applicant

**Disposition Date:** 10/22/1996

**Monetary Compensation Amount:** \$100,000.00

**Individual Contribution** \$100,000.00



**Individual Contribution Amount:** \$100,000.00

**Firm Statement** MR. MARSELLA IS IN THE PROCESS OF PAYING SETTLEMENT

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**Reporting Source:** Firm

**Employing firm when activities occurred which led to the complaint:** MONTEREY BAY SECURITIES, INC.

**Allegations:** UNSUITABILITY, MISREPRESENTATION, OMISSION, FAILURE TO SUPERVISE, FRAUD, BREACH OF FIDUCIARY DUTY, BREACH OF CONTRACT, BREACH OF THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING NEGLIGENCE.

**Product Type:**

**Alleged Damages:** \$350,000.00

### Customer Complaint Information

**Date Complaint Received:**

**Complaint Pending?** No

**Status:** Arbitration/Reparation

**Status Date:** 10/21/1996

**Settlement Amount:**

**Individual Contribution Amount:**

### Arbitration Information

**Arbitration/Reparation Claim filed with and Docket/Case No.:** [NASD: 95-03109](#)

**Date Notice/Process Served:** 07/06/1995

**Arbitration Pending?** No

**Disposition:** Award to Customer

**Disposition Date:** 10/21/1996

**Monetary Compensation Amount:** \$100,000.00

**Individual Contribution Amount:**

**Firm Statement** MR. MARSELLA AND HIS BROKER/DEALER ARE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT TO MR. WHITE IN THE SUM OF \$100,000.00 IN SATISFACTION OF MR. WHITE'S CLAIM.  
Not Provided

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**Reporting Source:** Individual

**Employing firm when activities occurred which led to the complaint:** MONTEREY BAY SECURITIES, INC.

**Allegations:** TOWERS FINANCIAL INSOLVENCY CASE THAT



CLAIMANT WAS NOT ACCREDITED INVESTOR. YET HAD HIS SIGNATURE NOTARIZED VERIFYING HIS ACCREDITATION. [CUSTOMER] PERJURED THE PANEL CONTINUOUSLY. OUR COUNSEL (MOTEREY BAY SECURITIES APPOINTED SEATTLE ATTY) NEVER INTERVIEWED ME BEFORE HEARING. MONTEREY BAY SETTLED FOR \$10,000. LATER LEARNED MONTEREY BAY SECURITIES KNEW OF INVESTIGATION ON TOWERS FINANCIAL AND DID NOT REVEAL TO AGENT TOM MARSELLA. MARSELLA WON CASE AGAINST [CUSTOMER'S] ATTORNEY, [ATTORNEY]. WHICH ORIGINALLY ASKED \$100,000 AMT AWARDED \$10000.

**Product Type:** Debt-Asset Backed  
**Alleged Damages:** \$100,000.00  
**Is this an oral complaint?** No  
**Is this a written complaint?** Yes  
**Is this an arbitration/CFTC reparation or civil litigation?** Yes  
**Arbitration/Reparation forum or court name and location:** ARBITRATION SAN FRANCISCO,CA  
**Docket/Case #:** 95-03109  
**Filing date of arbitration/CFTC reparation or civil litigation:** 07/08/1995

### Customer Complaint Information

**Date Complaint Received:** 07/08/1996  
**Complaint Pending?** No  
**Status:** Settled  
**Status Date:** 10/21/1996  
**Settlement Amount:** \$100,000.00  
**Individual Contribution Amount:** \$6,000.00

### Arbitration Information

**Disposition:** Award to Customer  
**Disposition Date:** 10/21/1996

### Civil Litigation Information

**Type of Court:** NONE  
**Name of Court:**

**Location of Court:**

**Docket/Case #:**

**Date Notice/Process Served:**

**Litigation Pending?**

**Broker Statement** 4-A080721  
WE HAD INVESTED \$250,000 OF OUR OWN FAMILY MONEY IN TOWERS FINANCIAL, A FIRM WHICH HAD NOTES RATED BY DUFF & PHELPS AS



AAT. [CUSTOMER] OVER ZEALOUSLY INVESTED HIS MUTUAL FUNDS (MANAGED BY MARSELLAS ADVISORY FIRM) AGAINST MARSELLAS ADVICE. [CUSTOMER] LIED ABOUT HIS NET WORTH, WHICH HIS BANK VERIFIED THREE TIMES HE WAS ACCREDITED , AND WHEN INVESTMENT WENT BAD, [CUSTOMER] THEN CLAIMED HE WAS WORTH LESS BY SHOWING SOME NEVER PREVIOUSLY SEEN PARTIALLY COMPLETED REAL ESTATE LOAN APPS AS EVIDENCE. TOWERS FINANCIAL PRESIDENT, [THIRD PARTY] WAS SENTENCED TO A 20 YEAR PRISON SENTENCE FOR HIS PONZI SCHEME WITH TOWERS FINANCIAL. NO OTHER INVESTORS FILED A COMPLAINT.



## End of Report

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