



Once you file your Answer, you will be notified of pertinent information such as the name of the presiding officer designated by the Commission to hear this matter and, if a hearing is scheduled, the date, time and location of the hearing. You have the right to be represented by an attorney.

All procedural matters will be governed by the Pennsylvania Administrative Agency Law, 2 Pa. C.S. §§ 501-508, 701-704, and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1.-35.251.

FILED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES

PA DEPARTMENT OF  
BANKING AND SECURITIES

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND  
SECURITIES, BUREAU OF SECURITIES  
LICENSING, COMPLIANCE AND  
EXAMINATIONS

Docket No. : 15 0039 (SEC-OSC)

v.

BERNARD MARK PARKER

ORDER TO SHOW CAUSE

You, Bernard Mark Parker, are notified that the Department of Banking and Securities ("Department") through the Bureau of Securities Licensing, Compliance and Examinations ("Bureau") hereby **ORDERS YOU TO SHOW CAUSE** why the Banking and Securities Commission ("Commission") should not impose the sanctions and remedies described below. Specifically, this proceeding is instituted pursuant to 1 Pa. Code § 35.14 to determine:

- (1) whether the allegations set forth below are true; and
- (2) if these allegations are true, whether there has been a violation of the Pennsylvania Securities Act of 1972 ("1972 Act") or of the regulations promulgated thereunder; and
- (3) if so, whether the sanctions and remedies proposed by the Bureau should be imposed by the Commission.

The Bureau alleges the following facts and violations of law for the purpose of tentatively framing the issues for consideration by the Commission. The Commission may consider this

matter directly, or may designate a hearing officer to issue a recommended decision prior to the Commission issuing a final order.

**STATEMENT OF THE PARTICULARS AND MATTERS**  
**CONCERNING WHICH THE BUREAU IS INQUIRING**

**PARTIES**

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the 1972 Act.
2. The Bureau is primarily responsible for administering and enforcing the 1972 Act for the Department.
3. The Bureau operates from the Department's main office located at 17 North Second Street, Suite 1300, Harrisburg, PA 17101.
4. The Bureau also operates from its Pittsburgh office located at 301 Fifth Avenue, Suite 290, Pittsburgh, PA 15222.
5. Bernard Mark Parker ("Parker") CRD #2010184, was, at all times material herein, an individual with a residential address at Redacted and a previous business address at 37 North 5<sup>th</sup> Street, Indiana, PA 15701 and 100 South 7<sup>th</sup> Street, Indiana, PA 15701.
6. From in or about June 2006 to November 2014, Parker had been registered pursuant to Section 301 of the 1972 Act, 70 P.S. § 1-301 as a registered representative for the broker-dealer of Edward Jones ("Edward Jones"), CRD #250.
7. Edward Jones operates and maintains over 200 branch offices in Pennsylvania.

## FACTUAL ALLEGATIONS

8. At all times material herein, Parker was a registered representative of Edward Jones.

9. On or about November 2014, Edward Jones discharged Parker from its employe.

10. On or about November 2014, Edward Jones caused to be filed a Uniform Termination Notice for Securities Industry Registration for Parker ("U-5") with the Central Registration Depository ("CRD") system operated by the Financial Industry Regulatory Authority ("FINRA").

11. The U-5 states "Reason for Termination" as "Discharged".

12. The U-5 also states, in part,:

Parker admitted selling certificates that represented ownership in state tax liens away from the firm and misappropriating a portion of the funds that were to be invested in the state tax liens. Mr. Parker also admitted to providing false information to the firm concerning his outside business activity.

13. At all times material herein, the certificates that represented ownership in state tax liens which Parker offered or sold in Pennsylvania constitute "securities" as that term is defined by Section 102(t) of the 1972 Act, 70 P.S. § 1-102(t).

## COUNTS

### Section 305(a)(ix) and Regulation 305.019

14. Paragraphs 1 through 13 are incorporated herein by reference as if set forth in their entirety.

15. By engaging in the acts and conduct set forth paragraphs 8 through 13 of the Factual Allegations, Parker, has engaged in dishonest or unethical practices in the securities business or has taken unfair advantage of a customer, which forms a basis to revoke, suspend, or condition

Parker's registration pursuant to Section 305(a)(ix) of the 1972 Act, 70 P.S. § 1-305(a)(ix) and Regulation § 305.019, 10 PA Code § 305.019.

**Violation of Section 401(a) of the 1972 Act, 70 P.S. § 1-401(a)**

16. Paragraphs 1 through 13 are incorporated herein by reference as if set forth in their entirety.

17. By engaging in the acts and conduct set forth in paragraphs 8 through 13 of the Factual Allegations, Parker, has, in connection with the offer, sale or purchase of a security in the State, directly or indirectly employed a device, scheme or artifice to defraud, in wilful violation of Section 401(a) of the 1972 Act, 70 P.S. § 1-401(a).

**Violation of Section 401(b) of the 1972 Act, 70 P.S. § 1-401(b)**

18. Paragraphs 1 through 13 are incorporated herein by reference as if set forth in their entirety.

19. By engaging in the acts and conduct set forth in paragraphs 8 through 13 of the Factual Allegations, Parker has, in connection with the offer, sale or purchase of a security in the State, directly or indirectly, made untrue statements of material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in wilful violation of Section 401(b) of the 1972 Act, 70 P.S. § 1-401(b).

**Violation of Section 401(c) of the 1972 Act, 70 P.S. § 1-401(c)**

20. Paragraphs 1 through 13 are incorporated herein by reference as if set forth in their entirety.

21. By engaging in the acts and conduct set forth in paragraphs 8 through 13 of the Factual Allegations, Parker, has, in connection with the offer and sale of a security, engaged in

acts, practices, or courses of business which operated or would operate as a fraud or deceit upon any person, in wilful violation of Section 401(c) of the 1972 Act, 70 P.S. § 1-401(c).

**Violation of Section 403 of the 1972 Act, 70 P.S. § 1-403**

22. Paragraphs 1 through 13 are incorporated herein by reference as if set forth in their entirety.

23. By engaging in the acts and conduct set forth in paragraphs 8 through 13 of the Factual Allegations, Parker, has effected transactions in a security by means of a manipulative, deceptive, or other fraudulent scheme, device, or contrivance, in Pennsylvania in wilful violation of Section 403 of the 1972 Act, 70 P.S. § 1-403.

**SANCTIONS AND REMEDIES**

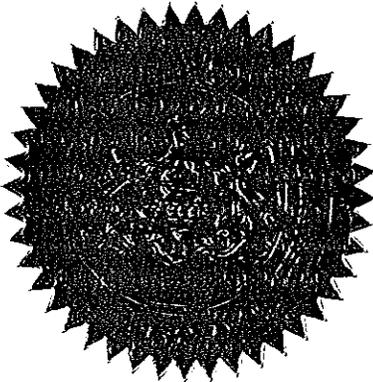
WHEREAS, the Bureau respectfully requests the penalties and relief pursuant to its authority under the 1972 Act:

1. That an order be issued pursuant to Section 512 of the 1972 Act, 70 P.S. § 1-512, permanently barring Parker from:

- a. Representing an issuer offering or selling securities in this State;
- b. Acting as a promoter, officer, director or partner of an issuer (or an individual occupying a similar status or performing similar functions) offering or selling securities in this State or of a person who controls or is controlled by such issuer;
- c. Being registered as a broker-dealer, agent, investment adviser or investment adviser representative under Section 301 of the 1972 Act;
- d. Being an affiliate of any person registered under Section 301 of the 1972 Act; or

- e. Relying upon an exemption from registration contained in Section 202, 203 or 302 of the 1972 Act;
2. That an order be issued revoking the securities registration of Parker; and
3. That Parker be ordered to pay the costs of the investigation pursuant to Section 602.1 (b) of the 1972 Act, 70 P.S. § 1-602.1 (b).

**IT IS SO ORDERED.**



FOR THE COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES  
BUREAU OF SECURITIES LICENSING,  
COMPLIANCE AND EXAMINATIONS:

Redacted

Joseph Mihisi

Acting Deputy Secretary of Securities

Dated: \_\_\_\_\_

11/12/15

FILED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF BANKING AND SECURITIES

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PA DEPARTMENT OF  
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CERTIFICATE OF SERVICE

I hereby certify that on November \_\_\_\_, 2015, I served a true and correct copy of the attached Order to Show Cause in accordance with the requirements of 1 Pa. Code § 33.35, 33.36, and 33.37 (relating to service by agency), in the manner indicated below:

By Certified and First Class Mail:

Bernard Mark Parker

Redacted

Dated this 12<sup>th</sup> day of November 2015

Redacted

Fran L. Beers, Administrative Officer  
Department of Banking and Securities  
Office of Chief Counsel  
17 N. Second Street, Suite 1300  
Harrisburg, PA 17101  
Phone: 717.787.1471