

FURTHER AFFIANT SAYETH NOT.

Dated this 1st day of July, 2016.

(SEAL)



IRVING L. FAUGHT, ADMINISTRATOR OF THE
OKLAHOMA DEPARTMENT OF SECURITIES

Subscribed and sworn to before me this 1st day of July, 2016.

(SEAL)




Notary Public

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
204 NORTH ROBINSON, SUITE 400
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

William B. Mulder (CRD #1474998),

Respondent.

ODS File 14-057

NOTICE OF OPPORTUNITY FOR HEARING

1. On the 21st day of June, 2016, the attached Enforcement Division Recommendation ("Recommendation"), in support of the imposition of sanctions on William B. Mulder ("Respondent") pursuant to Section 1-411 of the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011), was left in the office of the Administrator of the Oklahoma Department of Securities ("Administrator").

2. Pursuant to 660:2-9-1 of the Rules of the Oklahoma Securities Commission and the Administrator of the Department of Securities (effective August 1, 2013) ("Rules") and Section 1-411 of the Act, the Administrator hereby gives notice to Respondent of his obligation to file an answer and his right to request a hearing to show why an order based on the Recommendation should not be issued.

3. The answer must be in writing and received by the Administrator within fifteen (15) days after service of this Notice. As required by 660:2-9-2 of the Rules, the answer shall indicate whether Respondent requests a hearing and shall specifically admit or deny each allegation contained in the Recommendation or state that Respondent does not have, and is unable to obtain, sufficient information to admit or deny each allegation. If Respondent intends in good faith to deny only a part of an allegation, Respondent shall specify so much of it as is true and shall deny only the remainder.

4. Failure to file an answer in compliance with 660:2-9-2 of the Rules, to include a request for a hearing as provided for herein, shall result in the issuance of an order barring Respondent from registration in any capacity under the Act and from association with any broker-dealer or investment adviser registered under the Act, pursuant to Section 1-411 of the Act and 660:2-9-2 of the Rules.

5. Upon receipt of a written request, pursuant to 660:2-9-2 of the Rules, a hearing on the Recommendation shall be promptly scheduled or a written order denying hearing shall be issued.

6. Notice of the date, time, and location of the hearing shall be given to Respondent not less than forty-five (45) days in advance thereof, pursuant to 660:2-9-2 of the Rules.

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 1st day of July, 2016.

(SEAL)



IRVING L. FAUGHT, ADMINISTRATOR OF THE
OKLAHOMA DEPARTMENT OF SECURITIES


CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 1st day of July, 2016, a true and correct copy of the above and foregoing *Notice of Opportunity for Hearing* and the *Enforcement Division Recommendation* were mailed by certified mail, return receipt requested, delivery restricted, with postage prepaid thereon, addressed to:

William B. Mulder
5909 E. 107th St. S.
Tulsa, OK 74137

William B. Mulder
6002 E. 106th St.
Tulsa, OK 74137-7031

William B. Mulder
5718 E. 106th St.
Tulsa, OK 74137-7038



Brenda London, Paralegal

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
204 NORTH ROBINSON, SUITE 400
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

William B. Mulder (CRD #1474998),

Respondent.

ODS File 14-057

ENFORCEMENT DIVISION RECOMMENDATION

The Enforcement Division of the Oklahoma Department of Securities (“**Department**”) submits the following Findings of Fact, Authorities, and Conclusions of Law to the Administrator of the Department (“**Administrator**”) in support of the imposition of sanctions on William B. Mulder (“**Respondent**”), pursuant to Section 1-411 of the Oklahoma Uniform Securities Act of 2004 (“**Act**”), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011).

Findings of Fact

Background

1. Respondent was a resident of Oklahoma at all times material hereto.
2. Respondent was registered under Oklahoma’s securities laws as an agent of MetLife Securities, Inc., from 1986 until 1997, and as an agent and investment adviser representative of Merrill Lynch, Pierce, Fenner & Smith, Inc. (“**Merrill Lynch**”), from 1997 and 1995, respectively, to May 2012. Respondent is not currently registered under the Act.
3. On April 8, 2012, Merrill Lynch terminated Respondent’s employment with the firm due to a “reduction in staff.”
4. On May 8, 2012, Merrill Lynch filed a Form U5 for Respondent that disclosed an internal review of Respondent in connection with “potential irregularities relating to the sale of a variable life insurance policy.” This internal review ended in June 2013 with the conclusion that Respondent “executed documents relating to a life insurance application [that] contained certain inaccuracies.”

Customer Complaint

5. On October 30, 2013, Merrill Lynch amended Respondent's Form U5 to disclose a customer complaint by two Oklahoma residents alleging "misrepresentation regarding a variable annuity issued in August 1999 and embezzlement" by Respondent ("**Customers**").

6. On April 23, 2014, Merrill Lynch amended the disclosure in Respondent's Form U5 relating to the Customers' complaint to reflect that the complaint had evolved into an arbitration proceeding with allegations of "misrepresentation and omission of material facts, embezzlement and forgery regarding a variable annuity issued in August 1999." The alleged compensatory damage amount was \$1 million.

7. On May 20, 2014, Merrill Lynch once again amended the disclosure in Respondent's Form U5 relating to the Customers' complaint to reflect that the allegations also included "involvement in an unregistered stock offering."

8. In June 2014, Respondent filed an answer in the arbitration proceeding in which he admitted that he and the Customers had participated together in a housing business and had provided multiple loans to each other, during the years Respondent was associated with Merrill Lynch.

9. In connection with an internal review of the Customers' complaint, Merrill Lynch concluded that Respondent "engaged in undisclosed financial arrangements with clients away from the firm and failed to accurately disclose outside business activities."

10. The Customers' arbitration proceeding with Merrill Lynch and Respondent was resolved through settlement in June 2015 after Merrill Lynch agreed to pay \$600,000 to the Customers.

FINRA Bar

11. The Financial Industry Regulatory Authority ("**FINRA**") is a self-regulatory organization for the United States securities industry.

12. In an investigation by FINRA into the Customers' complaint regarding Respondent, FINRA sent Respondent written requests to produce documents and information, including banking statements.

13. Respondent failed to provide the requested documents and information, in violation of FINRA Rules 8210 and 2010.

14. In September 2014, FINRA barred Respondent from associating with any FINRA member, through an Acceptance, Waiver and Consent ("**AWC**") based upon the violations of FINRA Rules 8210 and 2010.

15. The AWC, executed by Respondent and accepted by FINRA, is final and constitutes a complaint, answer and decision in the relevant FINRA matter pursuant to FINRA Rule 9216.

To the extent any of these Findings of Fact are more properly characterized as Conclusions of Law, they should be so considered.

Authority

1. Section 1-411 of the Act provides, in pertinent part:

C. If the Administrator finds that the order is in the public interest and paragraphs 1 through 6, 8, 9, 10, 12 or 13 of subsection D of this section authorizes the action, an order under this act may censure, impose a bar, impose a civil penalty in an amount not to exceed a maximum of Five Thousand Dollars (\$5,000.00) for a single violation or Two Hundred Fifty Thousand Dollars (\$250,000.00) for multiple violations on a registrant, and/or recover the costs of the investigation from a registrant and if the registrant is a broker-dealer or investment adviser, from any partner, officer, or director, any person having a similar function or any person directly or indirectly controlling the broker-dealer or investment adviser.

D. A person may be disciplined under subsections A through C of this section if the person:

* * *

5. Is the subject of an order, issued after notice and opportunity for hearing by:

* * *

c. the Securities and Exchange Commission or by a self-regulatory organization suspending, barring, canceling or expelling the registrant from membership in a self-regulatory organization[.]

* * *

G. An order may not be issued under this section, except under subsection F of this section, without:

1. Appropriate notice to the applicant or registrant;

2. Opportunity for hearing; and
3. Findings of fact and conclusions of law in a record in accordance with the Administrative Procedures Act. If the person to whom the notice is addressed does not request a hearing within fifteen (15) days after the service of notice is effective, a final order as provided in subsection A, B or C of this section may be issued.

Conclusions of Law

1. Respondent is the subject of an order, issued after notice and opportunity for hearing by a self-regulatory organization, barring Respondent from association with a member of the organization.

2. The Administrator is authorized under Section 1-411 of the Act to bar Respondent from registration under the Act and from association with any broker-dealer or investment adviser registered under the Act.

3. It is in the public interest for the Administrator to bar Respondent from registration under the Act and from association with any broker-dealer or investment adviser registered under the Act.

To the extent any of these Conclusions of Law are more properly characterized as Findings of Fact, they should be so considered.

WHEREFORE, it is recommended that the Administrator issue an order barring Respondent from registration in any capacity under the Act and from association with any broker-dealer or investment adviser registered under the Act.

Respectfully submitted,



Terra Shamas Bonnell
Enforcement Attorney
Oklahoma Department of Securities
204 North Robinson, Suite 400
Oklahoma City, OK 73102
(405) 280-7715
tbonnell@securities.ok.gov

7015 0640 0004 8676 7827

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only Notice 14-057 TB

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ 330
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.70
<input type="checkbox"/> Return Receipt (electronic)	\$
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	\$ 4.95
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 11.41

7-1-16

Postmark
Here

William B. Mulder
5909 E. 107th St. S.
Tulsa, OK 74137

for Instructions

7015 0640 0004 8676 7834

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only Notice 14-057 TB

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ 330
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.70
<input type="checkbox"/> Return Receipt (electronic)	\$
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	\$ 4.95
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 11.41

7-1-16

Postmark
Here

William B. Mulder
6002 E. 106th St.
Tulsa, OK 74137-7031

for Instructions

7015 0640 0004 8676 7841

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only Notice 14-057 TB

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ 330
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.70
<input type="checkbox"/> Return Receipt (electronic)	\$
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	\$ 4.95
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 11.41

Postmark
Here

William B. Mulder
5718 E. 106th St.
Tulsa, OK 74137-7038

for Instructions