

SECURITIES INVESTOR PROTECTION  
CORPORATION

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Washington, D.C. 20006

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Senior Associate General Counsel for Dispute Resolution

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No. 08-01789 (SMB)  SIPA LIQUIDATION  (Substantively Consolidated)
In re:  BERNARD L. MADOFF,  Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  v.  FRANK J. AVELLINO, et al.,  Defendants.	Adv. Pro. No. 10-05421 (SMB)

**DECLARATION OF KEVIN H. BELL IN SUPPORT OF THE  
REPLY MEMORANDUM OF LAW OF THE  
SECURITIES INVESTOR PROTECTION CORPORATION  
IN SUPPORT OF THE TRUSTEE'S MOTION TO REARGUE THE  
COURT'S ORDER GRANTING IN PART AND  
DENYING IN PART MOTION TO DISMISS  
(28.U.S.C. §1746)**

Kevin H. Bell hereby declares:

1. I am Senior Associate General Counsel for Dispute Resolution at the Securities Investor Protection Corporation (“SIPC”), located at 1667 K Street, N.W., Suite 1000, Washington, DC 20006.

2. As an attorney of record, I am fully familiar with this case and the facts set forth herein. I submit this Declaration to place before this Court true and correct copies of documents in support of the Reply Memorandum of SIPC, filed in support of the Motion by Irving Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, to Reargue the Court’s Order Granting In Part and Denying In Part Motion to Dismiss.

3. Attached hereto as Exhibit A is a true and correct copy of a Certification of FINRA Business Records, with attachment.

4. Attached hereto as Exhibit B is a true and correct copy of the Declaration of Linda M. Siemers, with attachment.

Each of the attached exhibits evidences that the date of registration of Bernard L. Madoff Investment Securities LLC as a securities broker-dealer was January 19, 1960. The Declaration of Linda M. Siemers further evidences that the effective date of SIPC membership of Bernard L. Madoff Investment Securities LLC was December 30, 1970.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 3, 2016, in Washington, D. C.

/s/ Kevin H. Bell  
Kevin H. Bell

## EXHIBIT A

**CERTIFICATION OF A FINRA BUSINESS RECORD**

I, Marcia E. Asquith, being first duly sworn, hereby declare, depose and state as follows:

1. I am the Senior Vice President and Corporate Secretary of the Financial Industry Regulatory Authority Inc. ("FINRA") and am familiar with and am a custodian of FINRA business records, including interpretations, policies and rules adopted by the FINRA Board of Governors.

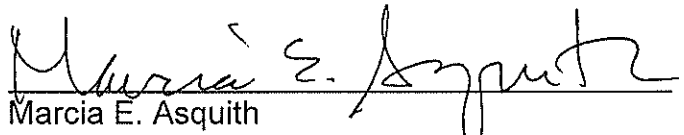
2. Attached is a true, accurate and complete copy of the document listed below that was prepared, kept and maintained in the ordinary course of FINRA's business at or near the time of the act, condition or event:

- Central Registration Depository (CRD) Organization Registration Status for the Bernard L. Madoff Investment Securities LLC, Organization CRD No. 2625

3. This record is a business record of FINRA as defined in Rule 803 of the Federal Rules of Evidence.

4. I declare, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the foregoing is true of my own knowledge.

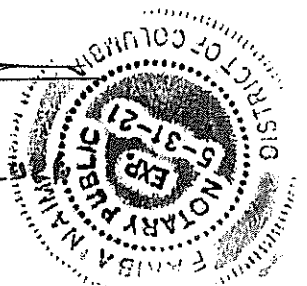
Washington, DC  
August 29, 2016

  
\_\_\_\_\_  
Marcia E. Asquith  
Senior Vice President and Corporate Secretary

Subscribed and sworn to before me this 29<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
Notary Public, District of Columbia

My commission expires: 5/31/2017



**Organization Registration Status**

**Organization CRD Number: 2625 Organization Name: BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

**Organization SEC Number: 8-8132 Applicant Name: BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

[View IA Record](#)

<u>SEC / Jurisdiction / FINRA</u>	<u>Registration Status</u>	<u>Status Effective Date</u>
<u>SEC</u>	Approved -	01/19/1960
<u>FINRA</u>	Liquidated -TRUSTEE APPOINTED	06/17/2009
<u>NY</u>	Terminated -FTR	12/31/2008

<u>SEC / SRO / Jurisdiction</u>	<u>Registration Status</u>	<u>Status Effective Date</u>
<u>SEC</u>	Approved -	01/19/1960
<u>BATS-ZX</u>	Terminated -	07/07/2009
<u>FINRA</u>	Liquidated -TRUSTEE APPOINTED	06/17/2009
<u>ARCA</u>	Terminated -ARCA-ETP	06/22/2009
<u>NOX</u>	Cancelled -FAILURE TO PAY FEES	07/07/2009
<u>NSX</u>	Cancelled -CANCELLED AT THE REQUEST OF THE SIPA TRUSTEE	01/22/2009
<u>AL</u>	Revoked -	10/15/2010
<u>AK</u>	Failed to Renew -	12/31/2008
<u>AZ</u>	Failed to Renew -	12/31/2008
<u>AR</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>CA</u>	Revoked -REVOKED BY ORDER	11/30/2010
<u>CO</u>	Revoked -	06/30/2009
<u>CT</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>DE</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>DC</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>FL</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>GA</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>HI</u>	Withdrawn -APP WD - FIRM'S REQUEST	11/15/2001
<u>ID</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>IL</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>IN</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>IA</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>KS</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>KY</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>LA</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>ME</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>MD</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>MA</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>MI</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>MN</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>MS</u>	Terminated -FTR	06/26/2009
<u>MO</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>MT</u>	Terminated -FAILED TO RENEW	12/31/2008

<u>NE</u>	Withdrawn -PER BD'S REQUEST	10/31/2001
<u>NV</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>NH</u>	Terminated -	12/31/2008
<u>NJ</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>NM</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>NY</u>	Terminated -FTR	12/31/2008
<u>NC</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>ND</u>	Failed to Renew -	12/31/2008
<u>OH</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>OK</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>OR</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>PA</u>	Failed to Renew -	12/31/2008
<u>PR</u>	Terminated -AT BD`S REQUEST	05/07/1999
<u>RI</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>SC</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>SD</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>TN</u>	Terminated -	12/31/2008
<u>TX</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>UT</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>VT</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>VA</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>WA</u>	Revoked -S-08-429-08-TO01 SUMMARY ORDER SUSPENDING SECURITIES SALESPERSON AND BROKER-DEALER REGISTRATION AND NOTICE OF INTENT TO REVOKE REGISTRATION.	12/30/2008
<u>WV</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>WI</u>	Terminated -FAILED TO RENEW	12/31/2008
<u>WY</u>	Revoked -FAILED TO RENEW - REVOKED BY ORDER #09-03	01/01/2009

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## EXHIBIT B

**DECLARATION OF LINDA MCKENZIE SIEMERS**  
(28 U.S.C. §1746)

I, Linda McKenzie Siemers, hereby declare as follows:

1. I am Assistant Vice President-Member Assessments-Human Resources- Facilities, of the Securities Investor Protection Corporation (“SIPC”), whose offices are located at 1667 K Street, N.W., Suite 1000, Washington, D.C. 20006-1620. I have been employed by SIPC since 1986.

2. I am over twenty-one years of age, and I have personal knowledge of the matters set forth herein. I make this Declaration on behalf of SIPC.

3. SIPC is a non-profit membership corporation created under the Securities Investor Protection, 15 U.S.C. §78aaa et seq. (“SIPA”). With certain narrow exceptions, the membership of SIPC consists of all securities brokers-dealers registered with the Securities and Exchange Commission (“SEC”).

4. In my official capacity, I oversee the Membership Department of SIPC, including the maintenance of the SIPC Membership Management System (“MMS”) database. The MMS database is comprised of a computerized filing and data processing system that contains registration and other information of all SIPC members. Among other things, I also coordinate member information with the SEC, FINRA, and self-regulatory organizations, and oversee the collection and recording of assessments paid to SIPC by its members.

5. Attached hereto is a true and correct copy of information for Bernard L. Madoff Investment Securities LLC contained in the MMS database that shows, among other things, the SEC effective date of registration and the SIPC effective date of membership of Bernard L. Madoff Investment Securities LLC. The information contained in the attached document was



entered into the MMS database, and is maintained by SIPC, in the ordinary course of SIPC's official business. The document is an official SIPC record.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 3, 2016.

  
\_\_\_\_\_  
Linda McKenzie Siemers

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[Annual Audit](#) [17a-509\(a\)](#) [17a-509\(b\)](#) [17a-509\(c\)](#) [17a-509\(d\)](#) [17a-509\(e\)](#) [17a-509\(f\)](#) [17a-509\(g\)](#) [17a-509\(h\)](#) [17a-509\(i\)](#) [17a-509\(j\)](#) [17a-509\(k\)](#) [17a-509\(l\)](#) [17a-509\(m\)](#) [17a-509\(n\)](#) [17a-509\(o\)](#) [17a-509\(p\)](#) [17a-509\(q\)](#) [17a-509\(r\)](#) [17a-509\(s\)](#) [17a-509\(t\)](#) [17a-509\(u\)](#) [17a-509\(v\)](#) [17a-509\(w\)](#) [17a-509\(x\)](#) [17a-509\(y\)](#) [17a-509\(z\)](#)

## Bernard L Madoff Investment **Terminated** 8-5132

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### Details

**SEC** 8132 **CRD** 2625 **Number** **Contact Solution** **SIS** **17a-509(a)** **Annual Audit** **SCAN** **History** **Security**

**Business**  
 Legal Name: Bernard L Madoff Investment  
 Trade Name: SECURITIES LLC  
 Type: Normal  
 455 TRADW AVENUE 16TH FLR  
 NEW YORK, NY 10022  
 Prospect (1)  
 Excluded from Audit Report  
 Next Mailing Date: 12/30/1970

**Current FYE** Oct 2016  
**Foreign Member**   
**SEC Effective Date** 01/19/1960  
**SIPC Effective Date** 12/30/1970  
**SEC Status**   
**SIPC Status**   
**17a-509(a)**  
**Current Balance** 150.00

**Transaction List**  

Type	Entry Date	Amount	Due	Transaction Item Name
Assessment	1/1/2009	\$150.00	\$150.00	
Payment	4/2/2009	(\$150.00)	\$0.00	
Finance Charge	4/2/2009	(\$5.00)	\$150.00	
Interest	4/2/2009	\$5.00	\$155.00	
Assessment	1/1/2009	\$150.00	\$150.00	
Payment	1/1/2007	(\$150.00)	\$0.00	

User Name: by jmorphy  
 Added Note: SAW THIS SEC00570004 8/7/12