

## 7 COMMUNICATIONS WITH THE PUBLIC

### 7.23.11 Do Not Call Lists

<b>Responsibility</b>	<ul style="list-style-type: none"> <li>• Designated Supervisor</li> </ul>
<b>Resources</b>	<ul style="list-style-type: none"> <li>• National Do-Not-Call Registry</li> <li>• State do not call lists</li> <li>• Internal do not call list</li> <li>• Other vendor lists</li> </ul>
<b>Frequency</b>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>
<b>Action</b>	<ul style="list-style-type: none"> <li>• Add names to BRWM's Do-Not-Call list within 30 days of receiving the request</li> <li>• Provide access to do not call lists</li> <li>• Obtain updated national do-not-call registry every 30 days</li> <li>• Include telephone solicitation restrictions in RR education programs</li> </ul>
<b>Record</b>	<ul style="list-style-type: none"> <li>• The internal do not call list is maintained by Compliance</li> <li>• Federal and state lists are maintained by the vendor (if a vendor is used) or by Compliance</li> </ul>

Phone solicitations may not be made to phone numbers that are included in federal, state, or BRWM's Do Not Call list. Representatives are reminded that there is a \$2,000 fine per infraction should the prospective customer choose to pursue the matter. Because fines may be substantial for each call that violates a restriction, it is important to comply with these requirements.

It is permissible to contact someone with whom BRWM has an "established business relationship" (described below); the person called has given express written permission to call outside the applicable time; or the person called is a broker or dealer.

If someone has asked to be included on BRWM's Do Not Call List, that person may not be called regardless of whether they are a current customer or have an established business relationship. Individual states may impose stricter requirements limiting contact with persons on that state's do not call list.

### 7.23.12 National Do Not Call Registry

The Federal Trade Commission (FTC) and Federal Communications Commission (FCC) established requirements for sellers and telemarketers to participate in a National Do-Not-Call Registry of phone numbers that do not accept phone solicitations. BRWM and its employees must avoid solicitation calls to any number on the list unless the person has an "established business relationship" with BRWM. The list used must be no older than 31 days prior to the date any call is made.

In general, the National Do-Not-Call requirements apply to residential phone numbers. In addition, the FCC includes wireless subscribers in the national registry, presuming these are residential subscribers.

### **7.23.13 State Restrictions**

Certain states have enacted restrictions on telephone solicitations to residences. Florida, for example, has a restrictive policy whereby individuals may ask to be included on a state-wide "Do Not Call" list. It is the telephone solicitor's obligation to be aware of any individuals who are included on that list. Contact Compliance if you have questions regarding state restrictions.

### **7.23.14 Internal Do Not Call List**

Associated persons are responsible for reporting the names of individuals who do not wish to be called by submitting the individual's name and number to [teleblockrequests@brileywealth.com](mailto:teleblockrequests@brileywealth.com). It is the RR's responsibility to ensure outgoing calls are not made to anyone appearing on BRWM's Internal Do Not Call List. The Internal Do Not Call List is available on the Wealth Compliance Intranet page.

### **7.23.15 Established Business Relationship**

Calls and faxes to the following are not subject to do-not-call restrictions:

- a person having made a financial transaction or having a security position, a money balance, or account activity with the Firm (or its clearing firm if a clearing firm relationship exists) within 18 months immediately preceding a call or fax; or
- the Firm is the "broker-dealer of record" (identified on the customer's account application for accounts held directly at a mutual fund or variable insurance product issuer) for the account of the person within the previous 18 months immediately preceding the date of the call or fax; or
- the person has contacted the Firm to inquire about a product or service offered by the Firm within the previous 3 months immediately preceding the call or fax.