

February 12, 2014

Marcia E. Asquith
Senior Vice President and Corporate Secretary
FINRA
1735 K Street, NW
Washington DC 20006-1500

Dear Ms Asquith,

I am pleased to submit this addendum to comments regarding NTM 13-42; Concept Proposal for the Comprehensive Automatic Risk Data System (“CARDS”) currently contemplated by FINRA.

In further contemplation of this matter, I submit the following question.

Under the Fourth Amendment of the Constitution:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.^[1]

What right does FINRA have to seize this information, and then subsequently search for “probable cause” on a system-wide basis without the protection of due process? FINRA, in its sole judgment will then be able to define “probable cause” at whim. Probable cause will be defined a “risk”.

With FINRA’s ability to cause harm to individuals and companies through extensive investigations, and expensive fines or litigation, CARDS hands FINRA one of the most powerful tools in a police state.

Customers (meaning any American citizen who chooses to invest and open an account), and securities professionals should all still be protected by the Constitution.

Sincerely,

Caroline Austin
Dallas, Texas