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December 29, 2021

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**RE: TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE V. DAVID
JOHN STRNAD, APD Case No. 12.06-211727J**

Enclosed is an *Initial Order*, including a *Notice of Appeal Procedures*, rendered in this case.

Administrative Procedures Division
Tennessee Department of State

Enclosure(s)

**BEFORE THE COMMISSIONER OF THE TENNESSEE DEPARTMENT OF
COMMERCE AND INSURANCE**

IN THE MATTER OF:

**TENNESSEE DEPARTMENT OF
COMMERCE AND INSURANCE,**
Petitioner,

v.

DAVID JOHN STRNAD,
Respondent.

**APD Case No. 12.06-211727J
TSD No. 21-005
TID No. 21-031**

INITIAL ORDER

This contested case was heard *de novo* on August 25, 2021, via telephone and video conference before Administrative Judge Claudia Padfield, assigned by the Secretary of State, Administrative Procedures Division, to sit on behalf of the Tennessee Securities Division and the Division of Insurance. The hearing addressed the allegations contained in the NOTICE OF HEARING AND CHARGES filed on April 23, 2021, pertaining to Respondent, David Strnad. Garron Amos, Associate General Counsel, represented Petitioner, the Department of Commerce and Insurance, Tennessee Securities Division (“the Division”). Associate General Counsel Miles Brooks assisted Mr. Amos in representing the Division. Respondent was represented by attorneys Denise Fesdjian and Alan Wolper.¹

The court reporter was given a deadline of September 22, 2021, to file the trial transcript. To allow the parties time to review the transcript and to cite to same in their proposed Findings of Fact, the parties were provided a deadline of October 7, 2021, to file any proposed orders. The transcript was filed on September 23, 2021. Both parties filed proposed Findings of Fact

¹ Per the ORDER GRANTING MOTION TO ADMIT COUNSEL *PRO HAC VICE*, Tennessee attorney, Sam Helmbrecht, was excused from appearing at the hearing.

and Conclusions of Law on October 7, 2021. As such, the RECORD closed on October 7, 2021, and the INITIAL ORDER is due in this matter on January 7, 2022.

The Department denied the issuance of Respondent's application for registration as an investment adviser representative in Tennessee. Respondent timely appealed the denial of the license. The burden of proof as to why the denial of the issuance was incorrect lies with Respondent. The Department granted to Respondent insurance producer number 2030992 and now seeks to revoke said license. The burden of proof as to why the license should be revoked lies with the Department. Neither party requested bifurcation of the two causes of action. For the sake of judicial economy and without objection from either party, the two causes of action were conducted under the same docket number. While all pleadings have the Department listed as the petitioner and Mr. Strnad listed as the respondent, the burden of proof is not affected by the style of the case.

After consideration of the RECORD, evidence submitted, testimony, and arguments in this matter, it is **ORDERED** that Respondent, David Strnad, is assessed **CIVIL PENALTIES** in the total amount of \$2,000 for violations of TENN. CODE ANN. § 48-1-112. It is **ORDERED** that Respondent, David Strnad, is assessed **CIVIL PENALTIES** in the total amount of \$2,000 for violations of TENN. CODE ANN. § 48-1-121. It is **ORDERED** that Respondent's Insurance Producer Number 2030992 with the Insurance Division is **SUSPENDED** under TENN. CODE ANN. § 56-6-112 for a period of six months. Respondent is not assessed any penalty under TENN. CODE ANN. § 56-6-112. It is **ORDERED** that at the conclusion of the six-month suspension, Respondent's application for registration as an investment adviser representative with the Securities Division, CRD number 1982721 under TENN. CODE ANN. title 48 shall be **GRANTED**. Respondent, having been at least partially successful in these causes of action, is

not accessed any costs. These determinations are based upon the following Findings of Fact and Conclusions of Law.

SUMMARY OF THE EVIDENCE

Amber Patterson, Investigator III, Financial Services Investigations Unit, testified on behalf of the Division. David Strnad, Respondent; Jeanine West Driver, a former work colleague; and Brian Schluter, a former work colleague, testified on behalf of Respondent.

Seventeen exhibits were entered into evidence during the hearing. The following exhibits were marked into the record:

1. Transcript of the deposition of Kent Williamson, July 15, 2021
2. Transcript of the deposition of Linda Williamson, July 15, 2021
3. Order of Investigation, June 28, 2019
4. Inquisitional Order, April 16, 2020
5. Financial Industry Regulatory Authority ("FINRA") Composite Information for Respondent
6. FINRA Registrations Summary for Respondent
7. NAIC SBS Licensee Summary for Respondent
8. FINRA Letter of Acceptance, Waiver and Consent for Respondent
9. State of Florida Consent Order for Respondent, September 13, 2019
10. Form U4, Uniform Application for Securities Industry Registration or Transfer, January 15, 2021
11. Form U4 Amendment, Uniform Application for Securities Industry Registration or Transfer, January 21, 2021
12. Form U4 Amendment, Uniform Application for Securities Industry Registration or Transfer, January 22, 2021
13. Order of Denial, February 19, 2021
14. Email from Respondent to Michelle Lynn, June 10, 2015
15. Morgan Stanley Durable Power of Attorney, July 7, 2015
16. FINRA BrokerCheck Report for Respondent
17. Investments of Wealth Institute Notice of Ruling, November 17, 2020

FINDINGS OF FACT

1. Respondent, David Strnad, is a resident of Tennessee and has been since 2011.
2. Respondent is licensed with the Insurance Division of the State of Tennessee, Department of Commerce and Insurance, and holds insurance producer number 2030992.

EXHIBIT 7. Respondent's license has been renewed multiple times – in 2013, 2015, 2017, and 2019 – since its issuance.²

3. Respondent holds Central Registration Depository Number ("CRD" #) 1982721, assigned by the Financial Industry Regulatory Authority ("FINRA"). EXHIBITS 5 and 6.

4. Respondent entered into a Letter of Acceptance, Waiver and Consent ("AWC") No. 2016051569601 with FINRA on May 20, 2019, for violation of FINRA Rule 2010, which requires that a registered representative "in the conduct of his business ... observe high standards of commercial honor and just and equitable principles of trade." EXHIBIT 8.

5. Respondent accepted and consented to the AWC "without admitting or denying the findings." EXHIBIT 8, p. 1. The facts and violative conduct accepted and consented to by Respondent were as follows:

Unauthorized purchases and sales in a customer's brokerage account violate FINRA Rule 2010, which requires that a registered representative, "in the conduct of his business ... observe high standards of commercial honor and just and equitable principles of trade."

Beginning in approximately 2007, KW sought to invest his assets at the Firm exclusively in CDs, "laddered" to mature at different intervals. KW gave Strnad verbal authorization to buy new CD issuances upon maturity of prior CD issuances. KW did not authorize Strnad to sell CDs prior to maturity or to use the proceeds of such sales to purchase new CD issuances.

During the relevant period, Strnad exceeded the scope of authority granted by KW by selling CDs owned by KW prior to maturity, nearly always at a loss, and using the proceeds of those sales to purchase new CD issuances. Because KW purchased his CDs through the Firm, rather than a bank, KW could sell the CDs in the secondary market without incurring a penalty. Strnad generally sold KW's CDs at a loss, however, because the CDs were priced below par in the secondary market due to facts such as interest rate fluctuations.

Strnad executed approximately 273 such transactions in KW's accounts – 138 sales prior to maturity and 135 purchases – causing KW to incur losses of approximately \$100,572, net of interest.³ Strnad inaccurately marked some of these transactions as "unsolicited." Strnad's trading caused KW to pay \$4,268.73 in unnecessary commissions.

² While the Licensee Summary states that Respondent's license was renewed on May 17, 2013, the summary does not provide the date the originally license was issued. Respondent moved to Tennessee in 2011.

³ After KW's daughter complained on KW's behalf, Morgan Stanley provided compensation to KW.

6. The AWC imposed upon Respondent, and Respondent consented to accept, an 18-month suspension from association with any FINRA member firm in any capacity; disgorgement of a portion of commissions received in the amount of \$4,268.73 plus interest; and a fine of \$10,000. EXHIBIT 8.

7. Respondent served the suspension beginning in 2018. FINRA has since reapproved Respondent's application for reinstatement.

8. At trial, Respondent acknowledge he did not receive written permission from the complaining client, KW, to perform the 273 transactions. Respondent acknowledged he was in error in not getting the written permission.

9. Based on the violation of FINRA Rule 2010, the Department entered Order of Investigation 2019-0030 on June 28, 2019, which commenced an investigation by the Securities Division into the activities of Respondent. EXHIBIT 3.

10. Respondent entered into a Consent Order with the State of Florida, Department of Financial Services, on September 13, 2019, which suspended Respondent's insurance license and eligibility for licensure and appointments for 18 months. EXHIBIT 9. The basis for the Consent Order was the FINRA AWC. The Florida settlement reiterates the facts and violative conduct as previously delineated under paragraph 5, *supra*.

11. Based on the Florida Consent Order, the Department entered Inquisitorial Order 20-054 on April 16, 2020, which commenced an investigation by the Insurance Division into the activities of Respondent. EXHIBIT 4.

12. The Investments and Wealth Institute, of which Respondent is a member, issued a Notice of Ruling on November 17, 2020, which publicly censured Respondent for having violated two principles of their Code of Professional Responsibility and four articles of their Disciplinary Rules and Procedures. EXHIBIT 11.

13. On January 15, 2021, Chapwood Capital Investment Management, LLC (“Chapwood”) submitted an application on behalf of Respondent for registration with the Securities Division to conduct business as an investment adviser representative in Tennessee. EXHIBIT 10. While submitted by Chapwood, the application was electronically signed by Respondent.

14. On January 15, 2021, Chapwood submitted an amended application for Respondent. EXHIBIT 11.

15. On January 22, 2021, Chapwood submitted a second amended application to the Securities Division on behalf of Respondent. EXHIBIT 12.

16. The initial application and the first amended application responded “no” to the question of whether or not “any other Federal regulatory agency or any state regulatory agency or foreign financial regulatory authority ever: entered an order against you in connect with an investment-related activity?” EXHIBITS 10 and 11.

17. Respondent answered in the affirmative on the second amended application that a Federal regulatory agency or state regulatory agency 1) “found you to have made a false statement or omission or been dishonest, unfair or unethical”; 2) “found you to have been involved in a violation of investment-related regulation(s) or statute(s); 3) “found you to have been a cause of an investment-related business having its authorization to do business denied, suspended, revoked or restricted”; and 4) “denied, suspended, or revoked your registration or license or otherwise, by order, prevented you from associating with an investment-related business or restricted your activities”. COLLECTIVE EXHIBIT 12.

18. Based on the acknowledged four violations in the second amended application, the Securities Division entered an Order of Denial on February 19, 2021, denying Respondent’s application for registration as an investment adviser representative. EXHIBIT 13.

APPLICABLE LAW

1. The Tennessee Securities Act of 1980 (“Act”), TENN. CODE ANN. § 48-1-101, *et. seq.*, places the responsibility for the administration of the Act on the Commissioner of the Department. The Division is the lawful agent through which the Commissioner administers the Act pursuant to TENN. CODE ANN. § 48-1-115, and it is authorized to bring this action based on the finding that such action is in the public interest, necessary for the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act, pursuant to TENN. CODE ANN. §§ 48-1-112 and 48-1-116.

2. TENN. CODE ANN. § 48-1-112 states, in pertinent part:

- (a) The commissioner may by order deny, suspend, or revoke any registration under this part if the commissioner finds that:
 - (1) The order is in the public interest and necessary for the protection of investors;
 - (2) The applicant or registrant or, in the case of a broker-dealer or investment adviser, any affiliate, partner, officer, director, or any person occupying a similar status or performing similar functions:
 - (A) Has filed an application for registration which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading;
 - (B) Has willfully violated or willfully failed to comply with any provision of this part or a predecessor chapter or any rule or order under this part or a predecessor chapter, including, without limitation, any net capital requirements;
 - (G) Has engaged in dishonest or unethical practices in the securities business[.]
- (d) In any case in which the commissioner is authorized to deny, revoke, or suspend the registration of a broker-dealer, agent, investment adviser, investment adviser representative, or applicant for broker-dealer, agent, investment adviser, or investment adviser representative registration, the commissioner may, in lieu of or in addition to such disciplinary action, impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000) for all violations for any single transaction, or in an amount not to exceed ten thousand dollars (\$10,000) per violation if an individual who is a designated adult is a victim.

3. TENN. CODE ANN. § 48-1-121 prescribes:

- (c) It is unlawful for any person to make or cause to be made, in any document filed with the commissioner or in any proceeding under this part, any untrue statement of a material fact or to omit 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.
- (d) The commissioner may, after notice and opportunity for a hearing under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, impose a civil penalty against any person found to be in violation of this section, or any rule or order adopted or issued under this section, in an amount not to exceed ten thousand dollars (\$10,000) per violation, or in an amount not to exceed twenty thousand dollars (\$20,000) per violation if an individual who is a designated adult is a victim.

4. TENN. CODE ANN. § 56-6-112 states, in pertinent part:

- (a) The commissioner may place on probation, suspend, revoke or refuse to issue or renew a license issued under this part or may levy a civil penalty in accordance with this section or take any combination of those actions, for any one (1) or more of the following causes:
 - (2) Violating any law, rule, regulation, subpoena or order of the commissioner or of another state's commissioner;
 - (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere[.]
- (e) The commissioner shall retain the authority to enforce this part and impose any penalty or remedy authorized by this part and this title against any person who is under investigation for or charged with a violation of this part or this title, even if the person's license has been surrendered or has lapsed by operation of law.
- (f) The commissioner may serve a notice or order in any action arising under this part by registered or certified mail to the insurance producer or applicant at the address of record in the files of the department. Notwithstanding any law to the contrary, service in the manner set forth in this subsection (f) shall be deemed to constitute actual service on the insurance producer or applicant.
- (g) If, after providing notice consistent with the process established by § 4-5-320(c), and providing the opportunity for a contested case hearing held in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the commissioner finds that any person required to be licensed, permitted, or authorized by the division of insurance pursuant to this chapter has violated any statute, rule or order, the commissioner may, at the commissioner's discretion, order:
 - (1) The person to cease and desist from engaging in the act or practice giving rise to the violation;
 - (2) Payment of a monetary penalty not more than one thousand dollars (\$1,000) for each violation, but not to exceed an aggregate penalty of one hundred thousand dollars (\$100,000). This subdivision (g)(2) shall not apply where a statute or rule specifically provides for other civil penalties for the violation.

For purposes of this subdivision (g)(2), each day of continued violation shall constitute a separate violation; and
(3) The suspension or revocation of the person's license.

5. "A producer shall report to the commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty (30) days of the final disposition of the matter. This report shall include a copy of any order entered or other relevant legal documents." TENN. CODE ANN. § 56-6-119(a).

ANALYSIS AND CONCLUSIONS OF LAW

Respondent exceeded the scope of the authority granted to him on 273 occasions by not having written permission to buy and sell various CDs. The categorization that these actions were fraudulent, coercive, or dishonest is not supported by the evidence. Respondent exercised poor business judgment when he performed the 273 actions upon a verbal authorization rather than reducing the authority granted to him by the client to writing. As a result, Respondent accepted and consented to a violation of FINRA Rule 2010. Respondent accepted and consented to various sanctions, including an 18-month suspension. Based on the FINRA AWC, Respondent also agreed to an 18-month suspension from Florida after voluntarily entering into a Consent Order with the State of Florida. Respondent has served the suspensions and has been accepted for reinstatement by FINRA.

The Department did not conduct their own investigation into any violations by Respondent. The Department's investigation was based solely on the Florida Consent Order and the FINRA AWC.

Pertaining to his insurance license with the Department, Respondent did not disclose either the Florida Consent Order or the FINRA AWC to the Department as required. Additionally, when applying for securities industry registration with the Department, Respondent did not disclose the Florida Consent Order or the FINRA AWC when he submitted his Form U4

application to the Department on January 15, 2021. Respondent again excluded this information when he submitted his amended application on January 21, 2021. Respondent corrected the omissions when he submitted his second amended application on January 22, 2021. There is no proof that Respondent willfully omitted this information. Much like the 273 actions as the basis for the FINRA Rule 2010 violation, the omissions appear to be lack of attention to detail and poor business practices by Respondent. The evidence supports the conclusion that the omissions were inadvertent, careless errors.

For these violations, in addition to the facts and violative conduct as delineated in the FINRA AWC, the Department wishes to revoke the insurance license already granted to Respondent and to deny his securities application. These punishments are far harsher than the 18-month suspensions issued by both FINRA and the State of Florida. The only conduct at issue that is different from the Florida Consent Order and the FINRA AWC is the missing application information and the failure to disclose to the Insurance Division the two orders. However, Respondent corrected the securities application within four business days.

The right to engage in a chosen profession or occupation without unreasonable governmental interference or deprivation is both a property and liberty interest protected by the Tennessee Constitution. *Livesay v. Tennessee Bd. of Examiners in Watchmaking*, 322 S.W.2d 209 (TENN. 1959). The Department has previously granted Respondent an insurance license as Respondent's chosen profession that they now seek to permanently revoke. The failure to disclose the two consent orders and the conduct as related in the FINRA AWC does not rise to the level of egregious behavior such that said actions should permanently divest Respondent of the right to practice said profession. Likewise, Respondent should not be permanently deprived of practicing his chosen securities profession for this conduct. Respondent's actions are such

that disciplinary action is appropriate but not of the permanent, barring nature as requested by the Department.

Petitioner has proven by a preponderance of the evidence that Respondent violated TENN. CODE ANN. § 56-6-119(a) by not disclosing either the Florida Consent Order or the FINRA AWC to the Department. For that conduct, Respondent deserves a six-month suspension of his insurance license. While Respondent's actions constitute a violation of TENN. CODE ANN. § 48-1-112(a)(2)(A) and (G), Respondent has proven by a preponderance of the evidence that he should not be permanently barred from holding a securities registration in Tennessee. Respondent corrected the omission within four business days. Respondent has already served his 18-month FINRA suspension.

Considering all relevant factors, it is **ORDERED** that Respondent, David Strnad, is **ASSESSED** two civil penalties of \$1,000 dollars for a total civil penalty of \$2,000 for violations of TENN. CODE ANN. § 48-1-112 for not correctly reporting all prior violations on his initial and first amended securities industry registration applications. It is **ORDERED** that Respondent, David Strnad, is **ASSESSED** two civil penalties of \$1,000 for a total civil penalty of \$2,000 for violations of TENN. CODE ANN. § 48-1-121 for not correctly reporting all prior violations on his initial and first amended securities industry registration applications.

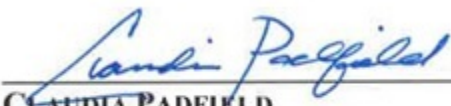
It is **ORDERED** that Respondent's Tennessee Insurance Producer Number 2030992 with the Insurance Division is **SUSPENDED** under TENN. CODE ANN. § 56-6-112 for a period of six months for violations of TENN. CODE ANN. § 56-6-119. Respondent is not assessed any penalty under this statute. It is **ORDERED** that at the conclusion of the six-month suspension, Respondent's application for registration as an investment adviser representative with the Securities Division, CRD number 1982721 under TENN. CODE ANN. title 48 shall be **GRANTED**. Respondent, having been at least partially successful in these causes of action, is

not accessed any costs. Payment of these civil penalties are to be paid within thirty days after the entry of the INITIAL ORDER.

This INITIAL ORDER imposing sanctions against Respondent and granting Respondent's request for licensure is entered to protect the public and investors in the State of Tennessee, consistent with the purposes fairly intended by the policy and provisions of the Law.


It is so **ORDERED**.

This INITIAL ORDER entered and effective this the **29th day of December, 2021**.



CLAUDIA PADFIELD
ADMINISTRATIVE JUDGE
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE

Filed in the Administrative Procedures Division, Office of the Secretary of State, this the **29th day of December, 2021**.



STEPHANIE SHACKELFORD, DIRECTOR
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE

NOTICE OF APPEAL PROCEDURES

REVIEW OF INITIAL ORDER

The Administrative Judge's decision in your case **BEFORE THE COMMISSIONER OF THE TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE (COMMISSIONER)**, called an Initial Order, was entered on **December 29, 2021**. The Initial Order is not a Final Order but shall become a Final Order unless:

1. **A Party Files a Petition for Reconsideration of the Initial Order:** You may ask the Administrative Judge to reconsider the decision by filing a Petition for Reconsideration with the Administrative Procedures Division (APD). A Petition for Reconsideration should include your name and the above APD case number and should state the specific reasons why you think the decision is incorrect. APD must **receive** your written Petition no later than 15 days after entry of the Initial Order, which is no later than **January 13, 2022**. A new 15 day period for the filing of an appeal to the **COMMISSIONER** (as set forth in paragraph (2), below) starts to run from the entry date of an order ruling on a Petition for Reconsideration, or from the twentieth day after filing of the Petition if no order is issued. Filing instructions are included at the end of this document.

The Administrative Judge has 20 days from receipt of your Petition to grant, deny, or take no action on your Petition for Reconsideration. If the Petition is granted, you will be notified about further proceedings, and the timeline for appealing (as discussed in paragraph (2), below) will be adjusted. If no action is taken within 20 days, the Petition is deemed denied. As discussed below, if the Petition is denied, you may file an Appeal, which must be **received** by APD no later than 15 days after the date of denial of the Petition. *See* TENN. CODE ANN. §§ 4-5-317 and 4-5-322.

2. **A Party Files an Appeal of the Initial Order:** You may appeal the decision to the **COMMISSIONER** by filing an Appeal of the Initial Order with APD. An Appeal of the Initial Order should include your name and the above APD case number and state that you want to appeal the decision to the **COMMISSIONER**, along with the specific reasons for your appeal. APD must **receive** your written Appeal no later than 15 days after the entry of the Initial Order, which is no later than **January 13, 2022**. The filing of a Petition for Reconsideration is not required before appealing. *See* TENN. CODE ANN. § 4-5-317.
3. **The COMMISSIONER decides to Review the Initial Order:** In addition, the **COMMISSIONER** may give written notice of the intent to review the Initial Order, within 15 days after the entry of the Initial Order.

If either of the actions set forth in paragraphs (2) or (3) above occurs prior to the Initial Order becoming a Final Order, there is no Final Order until the **COMMISSIONER** renders a Final Order.

If none of the actions in paragraphs (1), (2), or (3) above are taken, then the Initial Order will become a Final Order. **In that event, YOU WILL NOT RECEIVE FURTHER NOTICE OF THE INITIAL ORDER BECOMING A FINAL ORDER.**

STAY

In addition, you may file a Petition asking the Administrative Judge for a stay that will delay the effectiveness of the Initial Order. A Petition for Stay must be **received** by APD within 7 days of the date of entry of the Initial Order, which is no later than **January 5, 2022**. *See* TENN. CODE ANN. § 4-5-316. A reviewing court also may order a stay of the Final Order upon appropriate terms. *See* TENN. CODE ANN. §§ 4-5-322 and 4-5-317.

NOTICE OF APPEAL PROCEDURES

REVIEW OF A FINAL ORDER

When an Initial Order becomes a Final Order, a person who is aggrieved by a Final Order in a contested case may seek judicial review of the Final Order by filing a Petition for Review “in the Chancery Court nearest to the place of residence of the person contesting the agency action or alternatively, at the person’s discretion, in the chancery court nearest to the place where the cause of action arose, or in the Chancery Court of Davidson County,” within 60 days of the date the Initial Order becomes a Final Order. *See* TENN. CODE ANN. § 4-5-322. The filing of a Petition for Reconsideration is not required before appealing. *See* TENN. CODE ANN. § 4-5-317.

FILING

Documents should be filed with the Administrative Procedures Division by email *or* fax:

Email: APD.Filings@tn.gov

Fax: 615-741-4472

In the event you do not have access to email or fax, you may mail or deliver documents to:

Secretary of State
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