

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 20160489663 01**

**TO: Department of Enforcement
Financial Industry Regulatory Authority ("FINRA")**

**RE: Christopher Thomas Tolmacs, Respondent
CRD No. 4648724**

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Christopher Thomas Tolmacs ("Tolmacs" or "Respondent") submits this Letter of Acceptance, Waiver and Consent ("AWC") for the purpose of proposing a settlement of the alleged rule violations described below. This AWC is submitted on the condition that, if accepted, FINRA will not bring any future actions against me alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. I hereby accept and consent, without admitting or denying the findings, and solely for the purposes of this proceeding and any other proceeding brought by or on behalf of FINRA, or to which FINRA is a party, prior to a hearing and without an adjudication of any issue of law or fact, to the entry of the following findings by FINRA:

BACKGROUND

Tolmacs entered the securities industry in July 2003 when he became associated with a FINRA registered firm. Tolmacs obtained his Series 7, Series 66, Series 24 and Series 65 licenses in July 2003, August 2003, October 2004 and July 2012, respectively. From July 2003 through April 2008, Tolmacs was registered as a General Securities Principal ("GSP") and General Securities Representative ("GSR") with two FINRA registered firms. In April 2008, Tolmacs became employed as a GSP and GSR with Triad Advisors, Inc. (the "Firm"), a FINRA registered firm. On March 4, 2016, the Firm filed a Uniform Termination Notice for Securities Industry Registration ("Form U5") with FINRA reporting that Tolmacs had been discharged from the Firm on February 26, 2016.

Tolmacs is not currently associated with a FINRA registered firm, but remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.

RELEVANT DISCIPLINARY HISTORY

Respondent has no prior disciplinary history in the securities industry.

OVERVIEW

In February and March 2016, during the course of an ongoing FINRA investigation, Tolmacs failed to fully respond to Rule 8210 requests for documents and information and refused to appear for the continuation of his on-the-record testimony requested pursuant to FINRA Rule 8210. As a result, Tolmacs violated FINRA Rules 8210 and 2010.

FACTS AND VIOLATIVE CONDUCT

In February 2016, FINRA began investigating whether Tolmacs had entered into lending arrangements with several of his customers through the issuance of promissory notes, and assessing whether those arrangements violated FINRA rules, whether Tolmacs made materially misleading statements and omissions in connection with those arrangements, and whether Tolmacs converted customer funds.

In connection with this investigation, on February 26, 2016, FINRA hand delivered to Tolmacs on the premises of the Firm's branch office three letters requesting, pursuant to FINRA Rule 8210, that Tolmacs provide certain information and documents and that he appear and provide sworn testimony on March 3, 2016. Tolmacs provided a partial but substantially incomplete response to the February 26 requests for information and documents.

On February 29, FINRA sent a Second Notice to Tolmacs, through his counsel, pursuant to FINRA Rule 8210, reminding Tolmacs of his obligation to provide a complete response to the February 26 requests for information and documents. On March 1, 2016, Tolmacs supplemented his response but the response failed to include all of the information and documents requested in the February 26 requests.

On March 3, 2016, Tolmacs appeared for on-the-record testimony ("OTR"). FINRA, however, did not complete its examination of Tolmacs and discussed the continuation of his OTR with Tolmacs and his counsel.

On February 29, 2016, and March 1, 2016, FINRA sent to Tolmacs, through his counsel, additional requests for information and documents pursuant to FINRA Rule 8210. Tolmacs' counsel acknowledged receipt of the February 29 and March 1 requests. Tolmacs did not respond to these requests.

As stated in an email to FINRA staff on March 7, 2016, and by this agreement, Tolmacs acknowledges that he received FINRA's requests, will no longer cooperate in the investigation of this matter, will not provide any additional response to FINRA's requests for information and documents, and will not appear for the continuation of his OTR.

By refusing to provide the information and documents and to appear for the continuation of his OTR as requested pursuant to FINRA Rule 8210, Tolmacs

violates FINRA Rules 8210 and 2010.

B. I also consent to the imposition of the following sanctions:

- A bar from associating with any FINRA registered firm in any capacity.

I understand that if I am barred or suspended from associating with any FINRA member, I become subject to a statutory disqualification as that term is defined in Article III, Section 4 of FINRA's By-Laws, incorporating Section 3(a)(39) of the Securities Exchange Act of 1934. Accordingly, I may not be associated with any FINRA member in any capacity, including clerical or ministerial functions, during the period of the bar or suspension (see FINRA Rules 8310 and 8311).

The sanctions imposed herein shall be effective on a date set by FINRA staff. Pursuant to FINRA Rule 8313(e), a bar or expulsion shall become effective upon approval or acceptance of this AWC.

II.

WAIVER OF PROCEDURAL RIGHTS

I specifically and voluntarily waive the following rights granted under FINRA's Code of Procedure:

- A. To have a Complaint issued specifying the allegations against me;
- B. To be notified of the Complaint and have the opportunity to answer the allegations in writing;
- C. To defend against the allegations in a disciplinary hearing before a hearing panel, to have a written record of the hearing made and to have a written decision issued; and
- D. To appeal any such decision to the National Adjudicatory Council ("NAC") and then to the U.S. Securities and Exchange Commission and a U.S. Court of Appeals.

Further, I specifically and voluntarily waive any right to claim bias or prejudgment of the Chief Legal Officer, the NAC, or any member of the NAC, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including acceptance or rejection of this AWC.

I further specifically and voluntarily waive any right to claim that a person violated the *ex parte* prohibitions of FINRA Rule 9143 or the separation of functions prohibitions of FINRA Rule 9144, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including its acceptance or rejection.

III.

OTHER MATTERS

I understand that:

- A. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by the NAC, a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs ("ODA"), pursuant to FINRA Rule 9216;
- B. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against me; and
- C. If accepted:
 - 1. this AWC will become part of my permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against me;
 - 2. this AWC will be made available through FINRA's public disclosure program in accordance with FINRA Rule 8313;
 - 3. FINRA may make a public announcement concerning this agreement and the subject matter thereof in accordance with FINRA Rule 8313; and
 - 4. I may not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any finding in this AWC or create the impression that the AWC is without factual basis. I may not take any position in any proceeding brought by or on behalf of FINRA, or to which FINRA is a party, that is inconsistent with any part of this AWC. Nothing in this provision affects my: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.

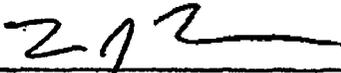
[Remainder of Page Intentionally Left Blank]

Respondent certifies that he has read and understands all of the provisions of this AWC and has been given a full opportunity to ask questions about it; that he has agreed to its provisions voluntarily; and that no offer, threat, inducement, or promise of any kind, other than the terms set forth herein and the prospect of avoiding the issuance of a Complaint, has been made to induce him to submit it.

3/9/2016
Date (mm/dd/yyyy)


Christopher Thomas Tolmaccs, Respondent

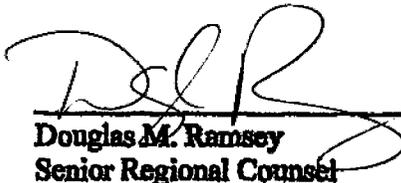
Reviewed by:


Brian J. Masternak
Counsel for Respondent
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids, MI 49503-2487
616-752-2205

Accepted by FINRA:

3/10/2016
Date

Signed on behalf of the
Director of ODA, by delegated authority


Douglas M. Ramsey
Senior Regional Counsel
FINRA Department of Enforcement
55 West Monroe Street, Ste. 2700
Chicago, IL 60603
312-899-4407