

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 2017052878801**

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

RE: Michael A. Mahabir, Respondent  
Former Registered Representative  
CRD No. 6125456

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Michael A Mahabir ("Mahabir" or "Respondent"), submit 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**

Mahabir first entered the securities industry in November 2012. From November 20, 2012 through January 13, 2017, he was registered with FINRA-member firm J.P. Morgan Securities LLC ("JP Morgan") as a Limited Representative for Investment Company and Variable Contracts Products. JP Morgan terminated Mahabir's registration in connection with his discharge by an affiliate bank. The affiliate bank discharged Mahabir based on an allegation that Mahabir failed to provide the full amount of a cash withdrawal to a bank customer whom he assisted. Although Mahabir is not currently associated with any FINRA member, FINRA retains jurisdiction over him pursuant to Article V, Section 4 of FINRA's By-Laws. Mahabir has no relevant disciplinary history.

## FACTS AND VIOLATIVE CONDUCT

FINRA began investigating Mahabir after his termination from JP Morgan, focusing on whether he had converted funds from a bank customer.

In connection with that investigation, on April 4, 2017, FINRA staff sent Mahabir a request for documents pursuant to FINRA Rule 8210 (the "April 4 letter"). A response to that April 4 letter was due on April 18, 2017, and a returned United States Postal Service receipt indicated that Mahabir received the April 4 letter on April 10, 2017. Mahabir failed to respond to the April 4 letter.

Given Mahabir's failure to respond to the April 4 letter, FINRA staff sent Mahabir a second request on April 20, 2017 ("second request") for the documents identified in the April 4 letter. The second request was also issued pursuant to FINRA Rule 8210 and a response was required by April 27, 2017. On May 3, 2017, Mahabir indicated that he would not respond to the April 4 letter or the second request. As set forth in a series of email exchanges with FINRA staff from April 27 to May 3, 2017, and by this agreement, Mahabir acknowledges that he received FINRA's requests and will not produce the information requested. By refusing to provide documents requested in the April 4 letter, Mahabir violated FINRA Rules 8210 and 2010.

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

A bar from association with any FINRA member 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. 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 prejudice 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.

I certify that I have read and understand all of the provisions of this AWC and have been given a full opportunity to ask questions about it; that I have 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 me to submit it.

05/16/2017  
Date (mm/dd/yyyy)


  
Respondent

By: \_\_\_\_\_

Accepted by FINRA:

5/24/17  
Date

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

  
James E. Day  
Vice President and Chief Counsel  
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