

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 2018057494201**

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

RE: Donna Lynn Barnard, Respondent  
CRD No. 5653949

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Donna Lynn Barnard, 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**

Barnard first became registered with FINRA in May 2009 as an Investment Company Products/Variable Contracts Representative ("IR") through her association with a FINRA member firm. From August 2014 through May 2017, Barnard was registered with FINRA through her association with HD Vest Investment Services ("HD Vest") as an IR and from July 2015 through May 2017 as a General Securities Representative. By Uniform Termination Notice for Securities Industry Registration (Form U5) dated May 22, 2017, HD Vest reported that it had terminated Barnard's registration with the Firm. Barnard is not currently registered or associated with a FINRA member.

Although Barnard is not currently registered with FINRA or associated with a FINRA member firm, FINRA retains jurisdiction over her under Article V, Section 4(a) of the FINRA By-Laws.

**RELEVANT DISCIPLINARY HISTORY**

Barnard does not have any disciplinary history with the Securities and Exchange

Commission, any state securities regulators, FINRA, or any other self-regulatory organization.

### **OVERVIEW**

During the course of an ongoing examination, Barnard failed to provide documents and information requested by FINRA pursuant to FINRA Rule 8210. Barnard thereby violated FINRA Rules 8210 and 2010.

### **FACTS AND VIOLATIVE CONDUCT**

FINRA Rule 8210(a)(1) states, in relevant part, that FINRA has the right to “require a member, person associated with a member, or any other person subject to FINRA’s jurisdiction to provide information orally, in writing, or electronically . . . with respect to any matter involved in the investigation. . . .” FINRA Rule 8210(c) states that “[n]o member or person shall fail to provide information or testimony or to permit inspection and copying of books, records, or accounts pursuant to this Rule.”

On July 6, 2018, FINRA staff sent Barnard a letter requesting documents and information, pursuant to FINRA Rule 8210, in connection with FINRA’s review of Barnard’s participation in sales of notes related to the Woodbridge Group of Companies LLC, a group of unregistered investment companies. The response was due on or before July 20, 2018.

Through her lawyer, Barnard requested an extension until August 2, 2018. However, Barnard did not provide the documents and information requested by August 2. Instead, Barnard’s lawyer contacted FINRA staff and stated that Barnard would not respond to the request.

As stated in her counsel’s phone call with FINRA staff, and by this agreement, Barnard acknowledges that she received FINRA’s 8210 request and will not produce the documents and information requested. By refusing to produce documents and information as requested pursuant to FINRA Rule 8210, Barnard violates 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 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.

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.

08/14/2018  
Date (mm/dd/yyyy)

  
Donna Lynn Barnard, Respondent

Reviewed by:

Bryan T. Forman

Digitally signed by Bryan T. Forman  
DN: cn=Bryan T. Forman, o=Forman Law Firm, P.C.,  
ou, email=bryan@formanlawfirm.com, c=US  
Date: 2018.08.16 11:32:21 -0500

Bryan Forman, Esq.  
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Accepted by FINRA:

9/7/2018  
Date

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



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