

# Disciplinary and Other FINRA Actions

## Firm Expelled

**ICV Group, Inc. ([CRD® #294024](#), New York, New York)**

July 23, 2021 – A Letter of Acceptance, Waiver and Consent (AWC) was issued in which the firm was expelled from FINRA® membership. Without admitting or denying the findings, the firm consented to the sanction and to the entry of findings that it refused to respond to FINRA’s request for documents and information in connection with its investigation of the firm’s use of donations made to or through the firm. The findings stated that this matter originated from a review of a continuing membership application (CMA). The firm initially cooperated with FINRA’s investigation but eventually ceased doing so. ([FINRA Case #2021070809102](#))

## Firms Fined, Individuals Sanctioned

**Laidlaw & Company (UK) Ltd. ([CRD #119037](#), London, England) and John Coolong ([CRD #5924271](#), North Haledon, New Jersey)**

July 15, 2021 – An AWC was issued in which the firm was censured, fined \$1,500,000 and ordered to certify that it has reasonably enhanced its supervisory system and written supervisory procedures (WSPs). Coolong was fined \$15,000 and suspended from association with any FINRA member in any principal capacity for two months. Without admitting or denying the findings, the firm and Coolong consented to the sanctions and to the entry of findings that the firm failed to establish, maintain and enforce a supervisory system, including WSPs, reasonably designed to achieve compliance with federal securities laws and FINRA rules prohibiting market manipulation. The findings stated that the firm did not provide branch managers with reasonable training or guidance regarding how to identify prohibited transactions. Further, although questions about the firm’s WSPs could be raised with compliance staff, the WSPs did not specify the circumstances under which a branch manager should escalate potentially manipulative activity or the manner in which that escalation should occur or be documented. In addition, the firm did not provide branch managers with any tools, such as exception reports or other electronic surveillance, designed to detect potential matched trades, cross trades or other forms of potential market manipulation, such as marking the close. The manual review of orders conducted by branch managers was not reasonably designed to detect potential market manipulation given the sheer volume of trading and the branch managers’ daily review of blotter activity was not reasonably designed to detect and prevent manipulation that spanned multiple days. Moreover, the branch managers were only tasked with reviewing daily trade activity in their respective branches and no one at the firm was tasked with reviewing trades for potential manipulative activity across the firm’s branches. The findings also stated that the firm

## Reported for September 2021

FINRA has taken disciplinary actions against the following firms and individuals for violations of FINRA rules; federal securities laws, rules and regulations; and the rules of the Municipal Securities Rulemaking Board (MSRB).

failed to detect numerous red flags of potential market manipulation involving shares of an investment banking client of the firm, whose shares did not trade on a national exchange. Although firm customers accounted for a substantial percentage of the daily trading volume on numerous days, the firm did not detect and, therefore, did not review or investigate multiple occasions when firm representatives effected cross trades in the client's shares across customers' accounts. Similarly, the firm failed to detect instances of potential marking the close, including multiple occasions when orders to purchase the client's stock were entered, either in customer accounts or representative accounts, within the last ten minutes of the trading day at prices at or above the previous trading price. The findings also included that the firm and Coolong failed to preserve and maintain certain books and records, and as a result, the firm violated Section 17(a) of the Securities Exchange Act of 1934 (Exchange Act) and Rule 17a-4 thereunder. Firm personnel, including Coolong, routinely communicated with each other and with customers regarding firm business by text message using their personal mobile phones. Coolong was aware that individuals he supervised also engaged in this practice. Firm personnel, including Coolong and the individuals he supervised, did not send these text messages to their supervisors or the firm's compliance department to be reviewed and retained and the firm did not otherwise retain these business-related electronic communications.

The suspension is in effect from August 2, 2021, through October 1, 2021. ([FINRA Case #2016049087201](#))

**Wilson-Davis & Co., Inc. ([CRD #3777](#), Salt Lake City, Utah), Byron Bert Barkley ([CRD #12469](#), Salt Lake City, Utah), Lyle Wesley Davis ([CRD #62352](#), Centerville, Utah) and James C. Snow Jr. ([CRD #2761102](#), Salt Lake City, Utah)**

July 16, 2021— An Order Accepting Offer of Settlement was issued in which the firm was censured, fined \$500,000, ordered to retain an independent consultant to conduct a comprehensive review of the adequacy of its compliance with its supervisory and anti-money laundering (AML) compliance obligations in connection with its market making activities in low-priced securities and sale of low-priced securities for firm customer accounts and subjected to a business line restriction that it shall not accept for deposit for any firm customer account any low-priced security until it certifies to FINRA that it has implemented the recommendations of the independent consultant. Barkley was fined \$30,000 and suspended from association with any FINRA member in any principal capacity for two years. Davis was fined \$30,000, suspended from association with any FINRA member in all capacities for three months and suspended from association with any FINRA member in any principal capacity for 21 months. The suspensions are to run consecutively. Snow was fined \$30,000 and suspended from association with any FINRA member in any principal capacity for two years. Without admitting or denying the allegations, the firm, Barkley, Davis and Snow consented to the sanctions and to the entry of findings that they failed to establish, maintain and enforce a supervisory system, including WSPs, reasonably designed to achieve compliance with applicable securities

laws and regulations and FINRA rules. The findings stated that the firm's WSPs did not explain how the firm's trading activity would be supervised to ensure compliance with its obligation to avoid engaging in or facilitating manipulative behavior or what should be done if such activity was detected. Moreover, the firm's system of reviewing trading activity was limited and could not be reasonably expected to detect and prevent manipulative trading activity in microcap securities, such as the potentially suspicious or manipulative trading in Nugene International, Inc. (ticker, "NUGN"). In addition, the firm, acting through Barkley, Davis and Snow, failed to reasonably supervise a registered representative, Craig Norton's, trading activities in NUGN to ensure compliance with federal securities laws and regulations and with applicable FINRA rules. The firm, Barkley, Davis and Snow failed to detect or otherwise ignored numerous red flags of potentially manipulative activity by the representative and his customers related to NUGN, including failing to reasonably detect and respond to activity identified as indicative of potential manipulation by the firm's WSPs. The findings also stated that the firm and Snow, who was responsible for the firm's AML program, failed to establish and implement AML policies and procedures reasonably designed to detect, investigate and report, if necessary, suspicious activity related to the firm's microcap liquidation business. The firm's AML policies failed to describe how the firm, or its registered representatives, should review or monitor customer stock deposits or subsequent trading activity to detect and investigate various red flags of potentially suspicious activity. Moreover, other than instructing registered representatives to escalate red flags of potentially suspicious activity to Snow, the firm's AML policies failed to describe how the firm would investigate red flags or how, if at all, the identification and investigation of suspicious activity would be documented by the firm or its registered representatives. Although Snow was responsible for reviewing and approving stock deposits, he only conducted limited reviews of stock deposit activity at the firm and he did not regularly review stock deposits for red flags of potentially suspicious activity. In addition, Snow failed to ensure that the firm's trading activity was monitored with a view toward detecting, investigating and reporting, if necessary, potentially manipulative trading. Snow's failure to implement a reasonable AML program resulted in numerous red flags related to the firm's customers' deposit and liquidation of NUGN stock to go undetected and uninvestigated, despite that the firm's own AML policies listed many red flags indicative of potentially suspicious activity. The findings also included that the firm and Davis, in response to a request for documents and information, provided FINRA with an inaccurate or misleading spreadsheet purporting to represent a contemporaneous annotated record of the firm's and Davis' daily review, including handwritten notations, and supervision of the firm's trading activity in NUGN, when, in fact, no such responsive documents evidencing the review existed.

Barkley's suspension in any principal capacity is in effect from August 16, 2021, through August 15, 2023. Davis' suspension in all capacities is in effect from August 16, 2021, through November 15, 2021, and his suspension in any principal capacity is in effect from November 16, 2021, through August 15, 2023. Snow's suspension in any principal capacity is in effect from August 16, 2021, through August 15, 2023. ([FINRA Case #2016048837401](#))

## Firms Fined

**Sanctuary Securities, Inc. fka David A. Noyes & Company (CRD #205, Indianapolis, Indiana)**  
July 1, 2021 – An AWC was issued in which the firm was censured, fined \$160,000 and ordered to pay \$370,161.39, plus interest, in restitution to customers. Without admitting or denying the findings, the firm consented to the sanctions and to the entry of findings that it failed to establish and maintain a supervisory system, including written procedures, reasonably designed to achieve compliance with FINRA Rule 2111 in relation to the solicited sales of inverse and leveraged exchange traded funds (NT-ETFs) in that the firm’s supervisory system was not sufficiently tailored to address the unique features and risks of these products. The findings stated that the firm did not have a reasonable supervisory system for reviewing representatives’ recommendations to purchase NT-ETFs based on a customer’s age, investment objective, risk tolerance or financial profile, including net worth. While the firm required representatives to complete product-specific training prior to recommending NT-ETF transactions, no such training was ever provided to representatives or to the supervisors reviewing their conduct. Likewise, the firm failed to educate, through its written procedures or otherwise, its representatives and supervisors regarding how to determine whether a NT-ETF was suitable for customers given the unique features and risks of those products. Moreover, although the firm’s supervisory system incorporated exception reports and alerts as part of its routine electronic trade review system, none of those exception reports or alerts were designed or used to surveil for the unique risks posed by NT-ETFs. In addition, the firm’s electronic trade review system was not designed to identify NT-ETF transactions held for longer periods, nor did the firm require supervisors to review NT-ETF transactions with this particular risk in mind. As a result, firm customers held positions in NT-ETFs for extended periods, spanning from weeks to years in many instances, causing significant losses. The findings also stated that the firm failed to review and evaluate the outside business activities (OBAs) of its registered representatives. The firm failed to evaluate whether the representatives’ proposed activities would interfere with each representative’s responsibilities to the firm, could be viewed by firm customers as part of its business or whether they should be treated as outside securities activities. The findings also included that the firm distributed sales materials in connection with private placement offerings that contained prohibited performance projections. Accordingly, the communications contained forward-looking projections of investor and investment returns, which are prohibited. FINRA found that the firm failed to file offering documents with FINRA related to eight private placements sold by the firm’s registered representatives. The firm belatedly filed materials for five private offerings and did not file any required materials for the other offerings. FINRA also found that the firm willfully violated Rule 10b-9 of the Exchange Act and FINRA Rule 2010 by failing to terminate an offering of securities that did not meet a minimum contingency requirement under the terms of a private placement memorandum (PPM) and return funds to investors. The firm had not raised investor funds in an amount that satisfied the minimum contingency required by the PPM by a certain date. However, the firm did not terminate the offering and return investor

funds at that time, as it was required to do pursuant to the terms of the PPM. Rather, the firm continued to solicit investments in the offering, under a modified PPM that improperly extended the termination date and reduced the minimum contingency. ([FINRA Case #2019060694201](#))

**NEXT Financial Group, Inc. ([CRD #46214](#), Houston, Texas)**

July 13, 2021 – An AWC was issued in which the firm was censured, fined \$750,000 and required to certify that it has implemented supervisory systems and WSPs reasonably designed to address unsuitable short-term trading of mutual funds and municipal bonds in customer accounts and over-concentration of customer accounts in Puerto Rican municipal bonds. Without admitting or denying the findings, the firm consented to the sanctions and to the entry of findings that it failed to establish, maintain and enforce a supervisory system, including WSPs, reasonably designed to detect and prevent unsuitable short-term trading of mutual funds and municipal bonds in customer accounts and over-concentration of customer accounts in Puerto Rican bonds. The findings stated that the firm's automated surveillance system to identify and flag for review Class A share switches did not provide critical data to assist supervisors in evaluating the transactions for suitability. In addition, when the system flagged a switch transaction, the firm provided supervisors with no guidance through its WSPs to assist in evaluating the suitability of the switch and no information regarding appropriate holding periods for Class A shares. The firm also allowed supervisors to clear individual alerts after obtaining an explanation from the registered representative, without any further investigation. This included instances in which red flags should have put supervisors on notice that the explanations were incomplete or inaccurate. In addition, the WSPs did not discuss suitability reviews specific to municipal bonds, address or provide any guidance regarding holding periods for municipal bonds or address factors to be considered in determining appropriate levels of concentration, nor did the WSPs have any other additional suitability guidance that would be applicable and assist supervisors in analyzing the suitability of municipal bonds. As a result of the firm's conduct, it failed to detect and reasonably respond to red flags in the trading of a broker prior to customers incurring significant losses. These red flags included short-term trading of mutual funds and municipal bonds, as well as over-concentration of Puerto Rican bonds in customer accounts, that resulted in the accounts incurring unnecessary sales charges totaling approximately \$925,000 and losses of approximately \$4.1 million. A review of the broker's switching activity highlighted the fact that the broker was moving his customers in and out of mutual funds and Puerto Rican bonds. When the broker was questioned regarding this activity, he gave misleading explanations to justify the activity and no further review of the transactions were conducted. The firm's failure to conduct a further review to verify the broker's explanations was not reasonable given the inconsistency of those explanations with the multitude of red flags in the customers' account information and in the firm's blotter. The findings also stated that the firm failed to establish, maintain and enforce a reasonable system of supervisory control policies and procedures to test and verify its surveillance systems. The firm's annual tests of its supervisory procedures were

not reasonably designed given that none of the tests examined whether the system to supervise two active business lines, mutual funds and municipal bonds, was reasonably designed to achieve compliance with FINRA and Municipal Securities Rulemaking Board (MSRB) suitability rules. As a result of its misconduct, the firm violated MSRB Rules G-27(b), (c), and (f). ([FINRA Case #2019063058701](#))

**StockCross Financial Services, Inc. ([CRD #6670](#), Beverly Hills, California)**

July 15, 2021 – An AWC was issued in which the firm was censured, fined \$250,000 and required to retain an independent consultant to conduct a comprehensive review of its compliance with FINRA's suitability rules and the Exchange Act's possession-or-control requirements in connection with the firm's solicited equity and options transactions and stock loan business. Without admitting or denying the findings, the firm consented to the sanctions and to the entry of findings that it failed to establish and maintain a supervisory system reasonably designed to supervise securities transactions and achieve compliance with FINRA's suitability rule. The findings stated that the firm did not conduct any principal review of solicited transactions. The firm had no surveillance system or exception reports to review solicited transactions and the automated surveillance system, when implemented, was not reasonably designed to detect excessive trading and other violative activity. The firm also did not provide its supervisors with exception reports identifying excessive trading, suitability, wash transactions, or over-concentrated securities positions and it never implemented an active account report that was referenced in its WSPs. It was not until later that the firm implemented a trading exception report, but it was limited in scope and utility. As a result of the firm's deficient supervisory system, it failed to reasonably supervise a broker who engaged in unsuitable and excessive equity and options trading and used margin in senior customers' accounts. One of the customers sustained \$543,250 in losses in her accounts and the firm settled with her for \$900,000 and the other customer sustained \$223,138 in losses in her accounts and the firm settled with the other customer for \$350,000. The findings also stated that the firm permitted a broker to function as its trading supervisor even though he did not obtain his general securities principal registration. As the firm's trading supervisor, the broker was one of two employees responsible for the daily review of order tickets and trade blotters and was responsible for reviewing the daily transaction activity report. The findings also included that the firm failed to maintain possession or control over its customer assets consistent with the customer protection rule. Despite the firm's significant growth in its stock loan business, it did not update its systems and procedures to adapt to its expanded business line. The firm's WSPs did not address its responsibilities as a lender in a stock loan transaction and did not address the requirements to remedy possession-or-control deficits within five business days when the firm acts as a securities lender. Consequently, the firm's stock lending created securities deficits that the firm did not execute a buy-in of overdue securities within the five-day period. The firm also treated joint accounts held by a principal officer of the firm and his spouse as non-customer accounts when performing

its customer reserve calculation. As a result, the firm included debits to which it was not entitled, thereby understating the amount the firm was required to maintain. Separately, the firm failed to ensure that it accounted for customer funds in transit from branch offices and not promptly processed to the customer's account when making its customer reserve calculations, resulting in hindsight deficiencies. As a result of the foregoing, the firm violated Section 15(c) of the Exchange Act and Rule 15c3-3 thereunder. FINRA found that due to an error that occurred when the firm switched internet domain providers, it failed to archive outgoing email communications sent to non-firm email addresses. The emails in question were not stored in an easily accessible place. As a result, the firm violated Section 17a of the Exchange Act and Rule 17a-4(b)(4) thereunder. ([FINRA Case #2018058595601](#))

**Precision Securities, LLC ([CRD #103976](#), San Diego, California)**

July 19, 2021 – An AWC was issued in which the firm was censured, fined \$350,000 and required to retain an independent consultant to conduct a comprehensive review of the reasonableness of the firm's policies, systems, procedures (written and otherwise) and training relating to compliance with FINRA Rule 3310 and the requirements of the Bank Secrecy Act and the regulations promulgated thereunder related to monitoring for, identifying, investigating, documenting and responding to red flags of suspicious activity. Without admitting or denying the findings, the firm consented to the sanctions and to the entry of findings that it failed to develop and implement an AML program reasonably designed to achieve and monitor its compliance with the Bank Secrecy Act and the implementing regulations thereunder. The findings stated that the firm did not tailor its AML program to reasonably monitor for and report suspicious activity in light of its business model. The firm lacked reasonable written AML procedures for the surveillance of potentially suspicious transactions in customer accounts. The procedures did not identify any exception reports and did not describe how or how frequently supervisors should use them. The firm's AML procedures also did not contain any procedures about documenting any analyses or records regarding the investigation of potentially suspicious activity and the firm did not document the findings of its investigations. In addition, the firm relied almost exclusively on a manual review of the daily trade blotter to identify certain types of suspicious trading, even though it did not reflect canceled order data or patterns of trading across accounts or across multiple days. The firm's manual review was unreasonable given the volume and complexity of the trading by its customers. The firm also had a practice of failing to reasonably respond to certain types of red flags of suspicious activity. The firm's practice was to not file a suspicious activity report even after it found that the customer was engaging in transactions that were not the sort in which the firm expected the customer to engage. As a result of the firm's failure to implement a reasonably designed AML program, it failed to timely or reasonably detect, investigate or respond to potentially suspicious activities by retail customers. ([FINRA Case #2020067467601](#))

**D.H. Hill Securities, LLLP ([CRD #41528](#), Kingwood, Texas)**

July 22, 2021 – An AWC was issued in which the firm was censured and fined \$25,000. Without admitting or denying the findings, the firm consented to the sanctions and to the entry of findings that it acted in contravention of Section 5 of the Securities Act of 1933 (Securities Act) by selling private placement offerings claiming exemption from registration under Rule 506(b) of Regulation D of the Securities Act, but without having established pre-existing, substantive relationships with the offerees prior to participating in those offerings. The findings stated that the firm solicited individuals to invest approximately \$1.1 million in the offerings. The firm participated in the offerings by engaging in steps necessary to the distribution of securities, including but not limited to, conducting due diligence on the offerings, communicating with prospective investors, selling interests in the offerings and executing placement agent agreements. Since the firm began participating in the private placement offerings prior to establishing a substantive relationship with each investor, the eventual solicitations and resulting sales of the offerings each constituted a general solicitation and resulted in the unregistered distribution of securities. ([FINRA Case #2019063187001](#))

**CODA Markets, Inc. fka PDQ ATS, Inc. ([CRD #36187](#), Glenview, Illinois)**

July 28, 2021 – An AWC was issued in which the firm was censured, fined a total of \$1,250,000, of which \$405,000 is payable to FINRA and required to retain an independent consultant to conduct a comprehensive review of the adequacy of its compliance with Rule 15c3-5 of the Exchange Act and FINRA Rules 3110, 3120 and 3310. Without admitting or denying the findings, the firm consented to the sanctions and to the entry of findings that it failed to establish, document and maintain a supervisory system, including WSPs, and regulatory risk management controls reasonably designed to monitor for potentially manipulative trading, such as potential layering, spoofing, wash trades, prearranged trades, marking the close and odd-lot manipulation, by its subscribers and their customers. The findings stated that the firm failed to develop and implement an AML program reasonably designed to detect and cause the reporting of potentially suspicious transactions and its AML testing and training were not reasonable. The firm's AML program was not reasonably tailored to the risks of its direct market access business and its AML testing was not reasonable because it failed to assess whether its surveillance reports were reasonably designed to detect potentially suspicious transactions and whether the firm reasonably reviewed the surveillance reports and reasonably investigated potentially suspicious transactions. The firm's training failed to address how to identify red flags of suspicious transactions. Even after FINRA notified the firm of this deficiency, its subsequent AML training materials listed red flags of suspicious transactions and instructed personnel to watch for them, without providing any guidance on how to identify such red flags. In addition, the firm did not conduct AML training on at least an annual basis. The findings also stated that the firm failed to establish, document and maintain financial risk management controls and WSPs reasonably designed to prevent the entry of orders that exceed appropriate pre-set credit thresholds and erroneous orders. The firm's WSPs



did not describe the due diligence to be performed or how credit thresholds should be determined. The firm has never considered a subscriber's financial condition in determining credit thresholds, contrary to Securities and Exchange Commission (SEC) guidance. As a result, the firm set credit thresholds for certain subscribers that were unreasonably high in light of their financial conditions. The findings also included that the firm failed to establish, document and maintain a supervisory system reasonably designed to review the effectiveness of its risk management controls and supervisory procedures. The firm's WSPs did not describe how the review was to be conducted. Moreover, besides an ad hoc review, the firm did not actually review the effectiveness of its risk management controls and its annual certification records did not describe or document any such reviews. FINRA found that the firm failed to provide annual certifications in compliance with Exchange Act Rule 15c3-5. The firm failed to complete its certifications no later than on the anniversary date of the previous year's certification. FINRA also found that the firm failed to reasonably test its WSPs and prepare annual reports summarizing the test results. The firm tested its WSPs in two or three subject areas only, which was not sufficient to verify that the firm's WSPs were reasonably designed to achieve compliance with applicable securities laws and regulations and with applicable FINRA rules. Furthermore, the firm's supervisory controls reports did not include a summary of the test results and significant identified exceptions, nor did they detail any additional or amended supervisory procedures created in response to the test results. ([FINRA Case #2015044078201](#))

## Individuals Barred

### **Juan Manuel Ceja ([CRD #2732374](#), Indio, California)**

July 1, 2021 – An AWC was issued in which Ceja was barred from association with any FINRA member in all capacities. Without admitting or denying the findings, Ceja consented to the sanction and to the entry of findings that he refused to cooperate with FINRA's request for documents and information in connection with its investigation into allegations contained in his Uniform Termination Notice for Securities Industry Registration (Form U5). The findings stated that Ceja's member firm terminated him over allegations that he falsified the electronic signatures of the firm's insurance affiliate clients in order to renew term life insurance policies that had lapsed. Ceja received over \$30,000 in advance commissions. ([FINRA Case #2021070491301](#))

### **Richard Wayne Demetriou ([CRD #828433](#), Suwanee, Georgia)**

July 5, 2021 – A National Adjudicatory Counsel (NAC) decision became final in which Demetriou was barred from association with any FINRA member in all capacities and ordered to pay \$337,700 in restitution to customers. In light of the bar, the NAC did not impose fines totaling \$163,000 or suspensions from association with any FINRA member in all capacities totaling four years and three months for other violations. The NAC modified the findings and sanctions imposed by the Office of Hearing Officers (OHO).

The sanctions were based on findings that Demetriou made material misrepresentations of fact in widely distributed emails to current and former customers. The findings stated that Demetriou sent investment summaries and emails to his customers and former customers that contained inaccurate information and failed to provide a sound basis for evaluating facts. Demetriou sent the emails without obtaining approval by an appropriately qualified registered principal of his member firm. Much of the alleged misconduct involves Demetriou's involvement with a private placement of preferred units in a limited partnership. The limited partnership was organized by the owner of Demetriou's previous firm, who employed him to solicit investments from his customers. The customers had suffered significant losses in partnerships sponsored by Demetriou's previous firm and he represented that the limited partnership was offered to them as a means of recouping those losses. Demetriou recommended the limited partnership, made misrepresentations concerning the supposed collateral securing the investments and told customers that an investment of 10 percent of their previous losses would result in recovery of their lost investments, plus a profit—alleged returns of more than 1,000 percent. Rather than recoup their investments, however, the customers lost an additional \$337,700 when the limited partnership failed, and the alleged collateral was not foreclosed and liquidated in order to return their investment. The findings also stated that Demetriou engaged in an undisclosed, unapproved OBA with the limited partnership by being employed by it and serving as its managing member. FINRA also found that Demetriou used unapproved personal email accounts to conduct securities business with firm customers. ([FINRA Case #2013035345701](#))

**Jeanet Chihtzu Lee ([CRD #4766237](#), Campbell, California)**

July 6, 2021 – An AWC was issued in which Lee was barred from association with any FINRA member in all capacities. Without admitting or denying the findings, Lee consented to the sanction and to the entry of findings that she refused to provide information and documents requested by FINRA in connection with its investigation of her potentially impersonating a customer in the process of requesting annuity withdrawals. The findings stated that this matter originated from a Form U5 filed by Lee's member firm that reported that she was permitted to resign while under review by the firm for her role as power of attorney for a client, who she was related to, and for certain withdrawals made from the client's account. ([FINRA Case #2020068089401](#))

**John Henry Swon IV ([CRD #5591686](#), Edina, Minnesota)**

July 6, 2021 – An AWC was issued in which Swon was barred from association with any FINRA member in all capacities. Without admitting or denying the findings, Swon consented to the sanction and to the entry of findings that he refused to produce information and documents requested by FINRA in connection with its investigation concerning allegations in a customer complaint that he misappropriated funds. The findings stated that this matter originated from a Form U5 that Swon's member firm filed noting that he violated its policies regarding disclosure and approval of OBAs. ([FINRA Case #2021071153001](#))

**Tyler Michael Rigsbee ([CRD #6351278](#), Folsom, California)**

July 7, 2021 – An AWC was issued in which Rigsbee was barred from association with any FINRA member in all capacities. Without admitting or denying the findings, Rigsbee consented to the sanction and to the entry of findings that he refused to provide information and documents requested by FINRA in connection with its investigation of a Form U5 filed by his member firm in which it disclosed that he had been discharged during the course of an internal review where documents appear to show that client funds were received in his personal bank account after being transferred from the firm to a third party broker dealer, and then on to his bank account, without permission from clients. ([FINRA Case #2021071026301](#))

**Ronald Joseph Giovino Jr. ([CRD #2236071](#), Clearwater Beach, Florida)**

July 8, 2021 – An AWC was issued in which Giovino was barred from association with any FINRA member in all capacities. Without admitting or denying the findings, Giovino consented to the sanction and to the entry of findings that he refused to produce information and documents requested by FINRA in connection with its investigation into whether he converted customer funds. The findings stated that this matter originated from information received by FINRA's Securities Helpline for Seniors. Although Giovino produced certain information and documents, he failed to make a complete production. ([FINRA Case #2021070962701](#))

**Samuel C. Lohner ([CRD #7064052](#), West Hartford, Connecticut)**

July 9, 2021 – An AWC was issued in which Lohner was barred from association with any FINRA member in all capacities. Without admitting or denying the findings, Lohner consented to the sanction and to the entry of findings that he refused to appear for on-the-record testimony requested by FINRA in connection with its investigation into the circumstances of the Series 7 qualification examination that he had taken. ([FINRA Case #2021069256901](#))

**James William Flower ([CRD #2817701](#), Melville, New York)**

July 14, 2021 – An OHO decision became final in which Flower was barred from association with any FINRA member in all capacities and ordered to pay \$242,014.46, plus prejudgment interest, in restitution to customers. The sanctions were based on findings that Flower churned customer accounts in willful violation of Section 10(b) of the Exchange Act, and Rule 10b-5 thereunder, and in violation of FINRA Rule 2020. The findings stated that Flower excessively traded the customer accounts in violation of FINRA rules regarding quantitative unsuitability. There were multiple signs of excessive trading and Flower's misconduct rose to the level of churning because he traded for his own benefit, in reckless disregard of his customers' interests, while exercising de facto control of the accounts. Flower repeatedly turned over or replaced all the securities in the accounts with new securities. The resulting annualized cost-to-equity ratios were also high, meaning that the

customers would have to make back a large amount of money, sometimes more than the cash value in the account, to cover their expenses and break even. The customers could make no profit until the expenses were covered. The high cost-to-equity ratios made it virtually impossible that the accounts could be profitable. Flower also engaged in what is known as in-and-out trading in the accounts, buying and then selling the same stock in a matter of a few days. In addition, the customers were unsophisticated investors. None of the customers had actively traded securities before, none of them tracked what was happening in their accounts in any meaningful way and none of them had much of an understanding about the way securities brokers are paid or, in particular, how Flower was paid. In fact, Flower discouraged the customers from trying to understand what was going on in their accounts. The customers together suffered realized losses totaling roughly \$223,000 and Flower charged commissions on the trading of nearly \$185,000, of which he received 70 percent. The findings also stated that Flower effected unauthorized trades in a customer's account. Flower engaged in all but one of the unauthorized trades while the customer was experiencing serious medical issues that interfered with his daily living. The trading resulted in more than \$30,000 in market losses. The findings also included that Flower caused his member firm's books and records to be false and inaccurate by mismarking transactions in accounts as unsolicited, when they were in fact solicited. Most of the purported unsolicited trades were sales at a loss and the mismarking of the sales as unsolicited made it seem that the customers had chosen to take the losses and helped obscure Flower's excessive trading and churning. ([FINRA Case #2017052701101](#))

**Enoch Stanley Booth ([CRD #4370233](#), Mount Pleasant, South Carolina)**

July 20, 2021 – An AWC was issued in which Booth was barred from association with any FINRA member in all capacities. Without admitting or denying the findings, Booth consented to the sanction and to the entry of findings that he failed to provide documents requested by FINRA in connection with its investigation into facts surrounding his termination from his member firm. The findings stated that this matter originated from a Form U5 filed by Booth's firm, which was later amended, reporting that he was terminated for failing to disclose a series of private securities transactions, failing to disclose a self-directed individual retirement account and providing gift cards to clients in violation of the firm's policy. ([FINRA Case #2021069207301](#))

**Alexander Vesneske ([CRD #6156226](#), Lancaster, New York)**

July 20, 2021 – An AWC was issued in which Vesneske was barred from association with any FINRA member in all capacities. Without admitting or denying the findings, Vesneske consented to the sanction and to the entry of findings that he refused to appear for on-the-record testimony requested by FINRA. The findings stated that this matter originated from a Form U5 filing stating that Vesneske had been terminated for violation of member firm policy. ([FINRA Case #2020068377301](#))

**Jason C. LaBelle ([CRD #5654529](#), Pittsfield, Massachusetts)**

July 23, 2021 – An AWC was issued in which LaBelle was barred from association with any FINRA member in all capacities. Without admitting or denying the findings, LaBelle consented to the sanction and to the entry of findings that he refused to provide information or documents requested by FINRA in connection with an investigation of his possible violation of a prior AWC in which he consented to the entry of findings that, while associated with his member firm, he participated in an OBA without having provided prior written notice to the firm. ([FINRA Case #2021070364101](#))

**Robert Cameron Smith ([CRD #2757295](#), Fairfield, Connecticut)**

July 23, 2021 – An AWC was issued in which Smith was barred from association with any FINRA member in all capacities. Without admitting or denying the findings, Smith consented to the sanction and to the entry of findings that he refused to provide on-the-record testimony requested by FINRA in connection with its investigation of his sale of unregistered notes issued by his non-FINRA member firm and his use of donations made to or through his member firm. The findings stated that Smith initially cooperated with FINRA's investigation, but he eventually ceased doing so. ([FINRA Case #2021070809101](#))

**Gloria J. Willis ([CRD #4862077](#), Chicago, Illinois)**

July 30, 2021 – An AWC was issued in which Willis was barred from association with any FINRA member in all capacities. Without admitting or denying the findings, Willis consented to the sanction and to the entry of findings that she refused to appear for on-the-record testimony requested by FINRA in connection with an investigation into the circumstances of her termination from her member firm. The findings stated that Willis' firm filed a Form U5 stating that she had voluntarily terminated her registration with the firm. The Form U5 also disclosed that at the time of the termination, Willis was under internal review to assess whether she had a valid and appropriate reason for obtaining a Small Business Administration (SBA) grant. ([FINRA Case #2020068960401](#))

## Individuals Suspended

**Gary Max Bowman ([CRD #2035699](#), Huntington Beach, California)**

July 1, 2021 – An AWC was issued in which Bowman was fined \$10,000 and suspended from association with any FINRA member in all capacities for three months. Without admitting or denying the findings, Bowman consented to the sanctions and to the entry of findings that he engaged in an unsuitable pattern of early rollovers of unit investment trusts (UITs). The findings stated that, on certain occasions, Bowman recommended that his customers roll over a UIT before its maturity date to purchase a subsequent series of the same UIT that generally had the same or similar investment objectives and strategies as the prior series. Bowman's recommendations caused his customers to incur unnecessary sales charges and were unsuitable in view of the frequency and cost of the transactions.

Bowman's customers received reimbursement of these excess sales charges from his member firm in connection with FINRA's separate settlement with the firm.

The suspension is in effect from August 2, 2021, through November 1, 2021. ([FINRA Case #2018056858102](#))

**Fernando Luis Monllor Arzola ([CRD #3098650](#), Ponce, Puerto Rico)**

July 1, 2021 – An AWC was issued in which Monllor Arzola was fined \$5,000 and suspended from association with any FINRA member in all capacities for 30 business days. Without admitting or denying the findings, Monllor Arzola consented to the sanctions and to the entry of findings that he obtained a pre-signed letter of authorization from a customer, added information to the letter and used it to effect a transfer of funds between accounts belonging to the customer. The findings stated that the customer authorized the transfers. The findings also stated that Monllor Arzola caused his member firm to create and maintain inaccurate books and records.

The suspension was in effect from August 2, 2021, through September 13, 2021. ([FINRA Case #2020065347502](#))

**Lawrence Moskowitz ([CRD #2026186](#), Cold Spring Harbor, New York)**

July 1, 2021 – An AWC was issued in which Moskowitz was assessed a deferred fine of \$5,000 and suspended from association with any FINRA member in all capacities for four months. Without admitting or denying the findings, Moskowitz consented to the sanctions and to the entry of findings that he engaged in OBAs, one that he requested approval for and was prohibited from engaging in by his member firm, and another that he failed to disclose for six years. The findings stated that Moskowitz entered into a consulting agreement with an art company to provide general business and financial services, for which he received \$15,000 monthly for seven years. Moskowitz later expanded his work for the art company and requested approval from the firm to work as a property and casualty insurance claims adjuster. Moskowitz's request made no mention of the earlier general consulting arrangement. The firm denied Moskowitz's request due to potential conflicts of interest. Nevertheless, Moskowitz continued his undisclosed consulting work and prohibited insurance work for the art company for several years. Moskowitz's company later received approximately \$4.8 million as payment for his insurance work on behalf of the art company. Three months before receiving this payment, Moskowitz disclosed and requested approval for his consulting arrangement, but made no mention of his insurance work. The firm approved the consulting business. The findings also stated that Moskowitz falsely attested in annual firm compliance questionnaires that he understood and was in compliance with its OBA requirements.

The suspension is in effect from July 6, 2021, through November 5, 2021. ([FINRA Case #2019063529101](#))

**Stuart L. Pearl (CRD #1500833, Skokie, Illinois)**

July 1, 2021 – An AWC was issued in which Pearl was assessed a deferred fine of \$5,000 and suspended from association with any FINRA member in all capacities for three months. Without admitting or denying the findings, Pearl consented to the sanctions and to the entry of findings that he recommended the purchase of leveraged and inverse ETFs to customers without having a sufficient understanding of the risks and features associated with these products and thereby failed to have a reasonable basis to make these recommendations. The findings stated that all of the transactions were solicited. The customers held these positions for extended holding periods which caused the customers to incur approximately \$80,000 in losses. In addition, the prospectus for the NT-ETFs that Pearl recommended warned that the products were very risky, intended to be utilized only by knowledgeable investors who understood the features and risks associated with NT-ETFs and should be actively and frequently monitored on a daily basis. Moreover, Pearl did not understand that losses in NT-ETFs are compounded because of how the valuations reset each day.

The suspension is in effect from July 6, 2021, through October 5, 2021. ([FINRA Case #2019060694202](#))

**Douglas Edward Szempruch (CRD #4159318, Bayside, New York)**

July 9, 2021 – An AWC was issued in which Szempruch was suspended from association with any FINRA member in all capacities for 12 months and ordered to pay \$99,720.87, plus interest, in restitution to customers. In light of Szempruch's financial status, no fine was imposed. Without admitting or denying the findings, Szempruch consented to the sanctions and to the entry of findings that he engaged in quantitatively unsuitable and excessive trading in customer accounts. The findings stated that Szempruch recommended the trading in the customer accounts and the customers routinely followed his recommendations. Szempruch also exercised discretion when executing trades in these customers' accounts and, as a result, exercised de facto control over their accounts. Szempruch's trading in the accounts was excessive and unsuitable given the customers' investment profiles. As a result of Szempruch's trading, the customers paid a total of \$127,198 in commissions and suffered \$157,605 in losses. The findings also stated that Szempruch exercised discretion to effect trades in customer accounts without the customers providing prior written authorization and without his member firm accepting any of the accounts as discretionary accounts. The findings also included that Szempruch sent emails to prospective customers making misleading statements concerning investments in a company. Szempruch inaccurately represented that he had visited the company's production facility, met with and was in direct communication with the company's management, was participating in weekly calls with the company's management and had first-hand information about the company. In fact, Szempruch did not have direct or first-hand information about the company and he misleadingly described his relationship and interactions with the company and its management.

The suspension is in effect from July 19, 2021, through July 18, 2022. ([FINRA Case #2017054317401](#))

**Christian Murray Evans (CRD #6325180, Dallas, Texas)**

July 16, 2021 – An AWC was issued in which Evans was assessed a deferred fine of \$5,000 and suspended from association with any FINRA member in all capacities for three months. Without admitting or denying the findings, Evans consented to the sanctions and to the entry of findings that he engaged in an OBA without providing prior written notice to his member firm. The findings stated that Evans and two partners who were not associated with a FINRA member firm started a business to raise capital for small businesses. To conduct this business Evans formed a limited liability company and served as its managing member. Evans led the company's business development and marketing efforts. In addition, in a letter of intent that Evans sent to at least one potential client, he proposed terms for engaging his company, including base and incentive compensation for himself and his partners. The firm's annual compliance questionnaire instructed registered representatives to identify all of their OBAs. However, Evans did not identify any of these activities.

The suspension is in effect from July 19, 2021, through October 18, 2021. ([FINRA Case #2019064102502](#))

**Luis Fernando Restrepo (CRD #2167380, Pembroke Pines, Florida)**

July 20, 2021 – An AWC was issued in which Restrepo was suspended from association with any FINRA member in any principal capacity for six months and required to requalify by examination as a principal prior to acting in that capacity with any FINRA member. In light of Restrepo's financial status, no monetary sanctions were imposed. Without admitting or denying the findings, Restrepo consented to the sanctions and to the entry of findings that he failed to reasonably establish and implement an AML compliance program reasonably designed to detect and cause the reporting of suspicious activity as well as a reasonably designed Customer Identification Program (CIP). The findings stated that while Restrepo was the firm's AML compliance officer, he did not put in place a reasonable process to identify red flags specific to microcap issuers, to identify higher risk accounts, or to designate accounts that displayed certain AML-related red flags as high-risk accounts. Restrepo also did not implement any reasonable system or controls to identify patterns of suspicious activity over time. As a result, the firm failed to detect and report potentially suspicious trading activity. In addition, Restrepo was responsible for enforcing the requirement to conduct annual independent tests of the AML program, but failed to ensure that the firm conducted an AML audit. Further, Restrepo failed to reasonably establish, maintain and enforce a supervisory system, including WSPs, reasonably designed to achieve compliance with Section 5 of the Securities Act for sales of unregistered shares of microcap stocks. Restrepo permitted the registered representatives handling the customer accounts, who were not principals, to have sole responsibility for



determining whether sales of restricted securities were eligible for an exemption from registration. With no system to verify the accuracy of the materials customers provided to the firm, Restrepo relied solely on representatives to review materials their customers submitted to assess whether securities to be resold or deposited were restricted or free trading. As a result, Restrepo failed to identify certain errors and red flags that would have been apparent upon a reasonable review of the documentation on its face. The findings also stated that Restrepo failed to reasonably supervise private placements sold by the firm's registered representatives. Restrepo failed to reasonably establish and maintain a supervisory system and failed to reasonably establish, maintain and enforce WSPs that were reasonably designed to achieve compliance with respect to the private placements. With respect to one of the private placements, Restrepo failed to ensure that the firm and its registered representatives had a reasonable basis to recommend the bonds. Restrepo was also aware of, but failed to reasonably investigate, red flags indicating that the firm and its representatives made material misrepresentations and omissions to investors. In another private placement, Restrepo failed to conduct or ensure anyone else at the firm conducted a reasonable investigation of the issuer and its management, claims being made within related offering materials used in connection with the sale or the intended use of the proceeds of the other offering. Restrepo also failed to maintain or ensure anyone else at the firm-maintained documentation of any investigation performed, other than the files containing documents from the issuer.

The suspension is in effect from August 2, 2021, through February 1, 2021. ([FINRA Case #2016047624501](#))

**Timothy Ray Plant (CRD #4188055, The Woodlands, Texas)**

July 21, 2021 – An AWC was issued in which Plant was assessed a deferred fine of \$5,000 and suspended from association with any FINRA member in all capacities for five months. Without admitting or denying the findings, Plant consented to the sanctions and to the entry of findings that he participated in private securities transactions by placing trades in retirement accounts held at another firm, without providing notice to his member firm. The findings stated that Plant executed trades worth approximately \$550,000 across multiple accounts. All of the account holders, some of whom were also firm customers, had authorized Plant in writing to trade in their retirement accounts. Plant used his own, unique log-on credentials provided by the outside firm to execute the trades and consulted with each customer prior to executing each trade. Plant did not receive compensation for the trades, none of the customers complained and there were no customer losses. In addition, when asked on multiple annual firm disclosure forms whether he had participated in private securities transactions, Plant answered “no.”

The suspension is in effect from August 2, 2021, through January 1, 2022. ([FINRA Case #2019063694301](#))

**Kenric Lamont Sexton (CRD #6362195, Charlotte, North Carolina)**

July 21, 2021 – An AWC was issued in which Sexton was assessed a deferred fine of \$2,500 and suspended from association with any FINRA member in all capacities for one month. Without admitting or denying the findings, Sexton consented to the sanctions and to the entry of findings that he made negligent misrepresentations in an application to the SBA seeking an economic injury disaster loan. The findings stated that Sexton did not read the loan program requirements carefully before applying for the loan. Sexton, then a registered representative with no disclosed OBAs, did not operate any business eligible for a small business loan from the SBA. Instead, Sexton was seeking the loan to fund his self-directed online trading account. In his application to the SBA, Sexton negligently misrepresented that he operated his self-directed online trading account as a sole proprietorship. Based on Sexton's negligent misrepresentations in the loan application, the SBA granted him a \$1,000 advance on a loan. Later, the SBA denied Sexton's loan application.

The suspension was in effect from August 2, 2021, through September 1, 2021. ([FINRA Case #2020068909301](#))

**Gilbert Anthony Kuta (CRD #1084075, Cockeysville, Maryland)**

July 27, 2021 – An AWC was issued in which Kuta was fined \$5,000 and suspended from association with any FINRA member in all capacities for 10 business days. Without admitting or denying the findings, Kuta consented to the sanctions and to the entry of findings that he exercised discretion without written authorization in customers' accounts and his member firm had not approved any of the accounts for discretionary trading. The findings stated that the customers knew that Kuta was exercising discretion in their accounts.

The suspension was in effect from August 16, 2021, through August 27, 2021. ([FINRA Case #2017052215403](#))

**Chelsie Marie Hovingh nka Chelsie Marie Jensen (CRD #6894001, Hudsonville, Michigan)**

July 28, 2021 – An AWC was issued in which Hovingh was assessed a deferred fine of \$5,000 and suspended from association with any FINRA member in all capacities for 20 business days. Without admitting or denying the findings, Hovingh consented to the sanctions and to the entry of findings that she impersonated a customer during a phone call with a firm. The findings stated that the customer asked Hovingh to assist her in obtaining the cost basis information for shares transferred into her account at Hovingh's member firm. However, the customer never authorized Hovingh to impersonate her.

The suspension was effect from August 2, 2021, through August 27, 2021. ([FINRA Case #2020066545301](#))

**Lydia Socorro Santiago (CRD #2624360, Puerto Rico)**

July 28, 2021 – An AWC was issued in which Santiago was suspended from association with any FINRA member in all capacities for 20 business days. In light of Santiago's financial status, no monetary sanction has been imposed. Without admitting or denying the findings, Santiago consented to the sanction and to the entry of findings that she used a pre-signed letter of authorization for a customer to effect a liquidation of funds. The findings stated that Santiago added the date to the letter of authorization and submitted it to her member firm. The customer authorized the liquidations. The findings also stated that Santiago caused her firm to create and maintain inaccurate books and records.

The suspension was in effect from August 16, 2021, through September 13, 2021. ([FINRA Case #2020065347504](#))

**Evelyn Batista (CRD #7168518, Teaneck, New Jersey)**

July 29, 2021 – An AWC was issued in which Batista was suspended from association with any FINRA member in all capacities for seven months. In light of Batista's financial status, no monetary sanction has been imposed. Without admitting or denying the findings, Batista consented to the sanction and to the entry of findings that she made reckless misrepresentations in a loan application and loan agreement she submitted to the SBA to obtain an economic injury disaster loan. The findings stated that prior to submitting the application, Batista did not review the loan program requirements to determine her eligibility. Indeed, Batista authorized a casual acquaintance to complete the application on her behalf from her cell phone using information she provided to him. Batista did not review the application before she electronically signed and submitted it to the SBA. In the application, Batista recklessly misrepresented that she was the owner of a property management real estate business, that the business earned \$35,000 and that the business lost \$15,000 in rental income due to the pandemic. Batista had no disclosed OBAs with her member firm, did not own any such property management real estate business or have any other business eligible for this type of loan from the SBA. Batista had made plans to rent out a room in her house through an online vacation rental company. However, she did not list the room for rent prior to January 31, 2020. Based on Batista's misrepresentations, the SBA approved the loan application. Batista signed a loan agreement again affirming that the representations in her application were correct. Batista did not make any efforts to review the information she had provided in the loan application prior to recertifying its accuracy. As a result, the SBA provided Batista with a \$17,500 loan. The firm terminated Batista as a result of this conduct. After Batista was terminated, she repaid the loan with interest to the SBA.

The suspension is in effect from August 2, 2021, through March 1, 2022. ([FINRA Case #2020068662501](#))

### **Irma I. Salas (CRD #4708076, Puerto Rico)**

July 29, 2021 – An AWC was issued in which Salas was suspended from association with any FINRA member in all capacities for 20 business days. In light of Salas' financial status, no monetary sanction has been imposed. Without admitting or denying the findings, Salas consented to the sanction and to the entry of findings that she used a pre-signed letter of authorization from customers, who were married, to effect transfers of funds among their accounts. The findings stated that Salas added instructions and the date to the form and then submitted it to her member firm. The customers authorized the transactions. The findings also stated that Salas caused her firm to create and maintain inaccurate books and records.

The suspension was in effect from August 16, 2021, through September 13, 2021. ([FINRA Case #2020065347505](#))

## Decisions Issued

The Office of Hearing Officers (OHO) issued the following decision, which has been appealed to or called for review by the NAC as of July 31, 2021. The NAC may increase, decrease, modify or reverse the findings and sanctions imposed in the decision. Initial decisions where the time for appeal has not yet expired will be reported in future FINRA Disciplinary & Other Actions.

### **Mercer Hicks III (CRD #245170, Southern Pines, North Carolina)**

July 7, 2021 – Hicks appealed an OHO decision to the NAC. Hicks was barred from association with any FINRA member in all capacities and ordered to pay disgorgement to FINRA in the amount of \$38,812.60 in commissions received. The sanctions were based on the findings that Hicks made unsuitable recommendations to senior customers in violation of customer-specific suitability obligations by recommending purchases of high-risk, illiquid, non-traded securities offered by several real estate investment trusts and a business development corporation to the customers, without first satisfying the suitability rule's requirements. The findings stated that Hicks' recommendations were specifically unsuitable for each of the customers considering their ages, financial situations and investment profiles. The prospectuses of the investments Hicks recommended describe the inherent risks of investing in unequivocal terms. Typically, they warn that investing in them involves a high degree of risk, one of which is a complete loss of investments. The prospectuses also contain warnings that the investments are suitable only for persons who will not need liquidity. None of the customers had a tolerance for high-risk investments. Such recommendations have been recognized as unsuitable for customers situated similarly to those here. Hicks simply did not know of or pay attention to the risks the prospectuses made abundantly clear. Hicks received commissions totaling \$38,812.60 from his recommendations. Furthermore, for some customers, Hicks' recommendations

excessively concentrated their liquid assets in high-risk, illiquid securities. The findings also stated that Hicks violated his reasonable-basis suitability obligations by failing to conduct a reasonably diligent investigation of the investments he recommended. Consequently, Hicks was ignorant of significant features of the securities, including their numerous inherent risks, and did not have a reasonable basis to believe the recommendations were suitable for anyone. Hicks did not know that the company was a business development corporation, did not understand what it invested in and did not understand the risks of investing in the company. Similarly, Hicks did not understand the risks of the non-traded real estate investment trusts he recommended to the customers, did not understand that they were high-risk investments and did not know that the prospectuses warn that investors should be able to afford to lose their entire investments.

The sanctions are not in effect pending review. ([FINRA Case #2017052867301](#))

**Matthew R. Logan (CRD #5366984, Braintree, Massachusetts)**

July 8, 2021 – Logan appealed an OHO decision to the NAC. Logan was barred from association with any FINRA member in all capacities. The sanction was based on the findings that Logan cheated on non-FINRA continuing education courses, including an ethics continuing education course, several AML continuing education courses and a processing checks and securities training, by using an impostor to take the courses for him. The findings stated that Logan instructed an office administrative assistant to take the courses and the assistant did so by using his login credentials. Logan did not complete any of the courses at any time. The findings also stated that Logan cheated on his FINRA Regulatory Element training by using an impostor to take the training for him. Logan admits he understood that he could not instruct someone else to log on to FINRA's website and take the Regulatory Element for him. Yet, Logan forwarded an email reminder, which he received from his member firm, to the assistant with the expectation that she would take the Regulatory Element on his behalf. As a result, the assistant completed Logan's Regulatory Element by logging onto FINRA's Continuing Education Online System (CE Online) using his login credentials. Logan received a certificate of completion of the Regulatory Element and the assistant provided the certificate to the firm. Logan admits this was so the firm would have proof that he had taken the Regulatory Element himself and this was a lie he told the firm. The findings also included that Logan falsely denied his cheating to the firm. In a routine email review, the firm discovered emails showing the assistant had taken Logan's Regulatory Element. A review of the assistant's computer activity confirmed she had been on CE Online for a great deal of time, which was consistent with her taking the Regulatory Element.

The sanction is not in effect pending review. ([FINRA Case #2019063570502](#))

## Complaint Filed

FINRA issued the following complaints. Issuance of a disciplinary complaint represents FINRA's initiation of a formal proceeding in which findings as to the allegations in the complaint have not been made, and does not represent a decision as to any of the allegations contained in the complaint. Because these complaints are unadjudicated, you may wish to contact the respondents before drawing any conclusions regarding these allegations in the complaint.

### **Daniel James O'Neill ([CRD #1358245](#), Huntington, New York)**

July 29, 2021 – O'Neill was named a respondent in a FINRA complaint alleging that he excessively and unsuitably traded one of his customer's accounts. The complaint alleges that O'Neill exercised de facto control over the trading in the customer's account, controlling the volume and frequency of trading, deciding what securities to buy and sell, the quantities, the price and when each trade would occur. O'Neill also exercised control when he executed unauthorized trades in the account. The trading was also excessive when measured against the annualized turnover rate and cost-to-equity ratio. O'Neill's intentional, active trading caused the customer to incur \$140,109 in costs and \$147,411 in losses, while generating gross sales credits and commissions of \$110,446, of which O'Neill received at least \$66,000. O'Neill did not have a reasonable basis to believe that the level of trading he recommended was suitable for the customer. The complaint also alleges that O'Neill effected trades in the account without first obtaining authorization or consent for the trades from the customer. ([FINRA Case #2021070337301](#))

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**Individuals Barred for Failure to Provide Information or Keep Information Current Pursuant to FINRA Rule 9552(h)**

(If the bar has been vacated, the date follows the bar date.)

**John Kevin Barrett (CRD #4748518)**  
Los Angeles, California  
(July 26, 2021)  
FINRA Case #2020066078201

**Amanda Yvonne Berry (CRD #5651609)**  
Edmond, Oklahoma  
(July 6, 2021)  
FINRA Case #2020068297301

**Michael L. Bramlett (CRD #6191112)**  
Carterville, Illinois  
(July 26, 2021)  
FINRA Case #2020068001701

**Christopher J. Fisher (CRD #6422492)**  
Castle Rock, Colorado  
(July 19, 2021)  
FINRA Case #2019064190702

**Berhane Kassahun (CRD #1544625)**  
Silver Spring, Maryland  
(July 15, 2021)  
FINRA Case #2020066871501

**Christy Ann McWilliams (CRD #6843962)**  
Okemos, Michigan  
(July 15, 2021)  
FINRA Case #2021069239601

**Kevin Mark Nevin (CRD #2460059)**  
Minneapolis, Minnesota  
(July 30, 2021)  
FINRA Case #2020066224901

**Antoine Marquill Rogers (CRD #6356498)**  
Tomball, Texas  
(July 12, 2021)  
FINRA Case #2020067589001

**Alfredo K. Vazquez (CRD #5733066)**  
San Antonio, Texas  
(July 12, 2021)  
FINRA Case #2021069409601

**David Villarreal III (CRD #5876265)**  
Inkom, Idaho  
(July 30, 2021)  
FINRA Case #2020065505301

**Jonathan Charles Ward (CRD #6398853)**  
Vassar, Michigan  
(July 12, 2021)  
FINRA Case #2020067810501

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**Individuals Suspended for Failure to Provide Information or Keep Information Current Pursuant to FINRA Rule 9552(d)**

(The date the suspension began is listed after the entry. If the suspension has been lifted, the date follows the suspension date.)

**Ryan Alejandro Burneo (CRD #7021614)**  
North Las Vegas, Nevada  
(July 12, 2021)  
FINRA Case #2020068652301

**Jamila Imani Fields (CRD #5783274)**  
Lithonia, Georgia  
(July 16, 2021)  
FINRA Case #2021070247901

**William Sideny Friedman (CRD #2475502)**  
Boca Raton, Florida  
(July 26, 2021)  
FINRA Case #2021070752201

**Paul Wesley Furusho (CRD #2165709)**

Ross, California  
(April 1, 2021 – July 14, 2021)  
FINRA Case #2020066177701

**Xinwo Li (CRD #6464749)**

Short Hills, New Jersey  
(July 2, 2021)  
FINRA Case #2020068937201

**Charles A. Lopez (CRD #4335932)**

Key Biscayne, Florida  
(May 3, 2021 – July 8, 2021)  
FINRA Case #2020068229101

**Toni Marshall (CRD #7057138)**

Philadelphia, Pennsylvania  
(July 26, 2021)  
FINRA Case #2020067270401

**Tarek Mohsen Mohamed (CRD #6717691)**

New Port Richey, Florida  
(July 7, 2021)  
FINRA Case #2020067814801

**Vincent Pepe (CRD #6578124)**

Staten Island, New York  
(July 6, 2021)  
FINRA Case #2020068452901

**Tara Nicole Pierce (CRD #4198720)**

Chickasha, Oklahoma  
(July 19, 2021)  
FINRA Case #2020068857201

**Rachel Rodriguez (CRD #6122852)**

Lake Worth, Florida  
(July 8, 2021)  
FINRA Case #2021070142801

**Kezia Simeon (CRD #6637174)**

New Orleans, Louisiana  
(July 6, 2021)  
FINRA Case #2021070319601

**Tara Michelle Supron (CRD #7121620)**

Gainesville, Georgia  
(July 6, 2021)  
FINRA Case #2020068746402

**Alex Kendall Taylor (CRD #6693287)**

Fairhope, Alabama  
(July 16, 2021)  
FINRA Case #2020068856701

**Isaac Lord Yamoah (CRD #6802820)**

Saint Louis, Missouri  
(July 6, 2021)  
FINRA Case #2020068843501

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**Individuals Suspended for Failure to Comply with an Arbitration Award or Related Settlement or an Order of Restitution or Settlement Providing for Restitution Pursuant to FINRA Rule Series 9554**

(The date the suspension began is listed after the entry. If the suspension has been lifted, the date follows the suspension date.)

**Sam Aziz (CRD #1721932)**

Powell, Ohio  
(July 22, 2021)  
FINRA Arbitration Case #20-01361

**Gary James Helbling (CRD #2655105)**

Durham, Connecticut  
(July 23, 2021 – August 24, 2021)  
FINRA Case #20210707213/ARB210004

**Kevin Mark Nevin (CRD #2460059)**

Minneapolis, Minnesota  
(July 21, 2021)  
FINRA Arbitration Case #21-01008



**James William Reittinger (CRD #4194715)**

Tipp City, Ohio

(July 22, 2021)

FINRA Arbitration Case #21-00289

**Jameson Jeewon Shin (CRD #2436899)**

Everett, Washington

(July 22, 2021)

FINRA Arbitration Case #20-03420

**Joseph Steven Stengel (CRD #5097205)**

Reading, Pennsylvania

(July 21, 2021)

FINRA Arbitration Case #20-03455

**Philip John Zaczek (CRD #4813517)**

Mokena, Illinois

(July 14, 2021)

FINRA Arbitration Case #18-02503