

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 2017053435501**

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

RE: Herbert Voss, Jr., Respondent  
CRD No. 1014475

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Respondent, Herbert Voss Jr. ("Voss"), 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 Respondent alleging violations based on the same factual findings described herein.

**I.**

**ACCEPTANCE AND CONSENT**

- A. Respondent hereby accepts and consents, 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**

Voss entered the securities industry in March 1982 when he became associated with a FINRA member firm as a General Securities Representative (GSR). Voss was subsequently associated with a number of FINRA member firms until July 2009, when he joined Stockcross Financial Services, Inc. ("Stockcross" or the "Firm") as a GSR, Compliance Registered Options Principal, Proprietary Trader Principal, Agent and Investment Advisor.

Voss holds the following securities licenses: Series 7 (GSR) (March 1982); Series 63 (Agent) (February 1986); Series 4 (Compliance Registered Options Principal) (September 1990); Series 24 (General Securities Principal) (October 1991); and Series 65 (Investment Advisor) (September 1999).

**RELEVANT DISCIPLINARY HISTORY**

Voss has no relevant disciplinary history with the Securities and Exchange Commission, FINRA, any other self-regulatory organization or any state securities regulator.

## OVERVIEW

On April 25, 2018, FINRA requested that Voss appear to provide on-the-record testimony, pursuant to FINRA Rule 8210. Voss has indicated that he will not provide testimony in connection with this matter. By failing to appear for on-the-record testimony as requested pursuant to FINRA Rule 8210, Voss violates 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 . . . person associated with a member, or any other person subject to FINRA’s jurisdiction to provide information orally, in writing, or electronically and to testify at a location specified by FINRA staff, under oath or affirmation with respect to any matter involved in the investigation, complaint, examination or proceeding.” FINRA Rule 8210(c) similarly provides that “[n]o member or person shall fail to provide . . . testimony . . . pursuant to this Rule.”

A failure to comply with a request for information pursuant to FINRA Rule 8210 is also a violation of FINRA Rule 2010, which requires associated persons to “observe high standards of commercial honor and just and equitable principles of trade.”

On April 25, 2018, FINRA staff sent a letter to Voss requesting that he appear for on-the-record testimony on May 9, 2018 pursuant to FINRA Rule 8210, concerning a customer complaint alleging that Voss had engaged in unauthorized trading in the customer’s account. On April 25, 2018, Respondent’s counsel acknowledged receipt of FINRA’s request and indicated via e-mail that Voss will not appear to provide testimony on May 9, 2018 or at any other time in the future. By refusing to cooperate with FINRA’s request for on-the-record pursuant to FINRA Rule 8210, Voss violates FINRA Rules 8210 and 2010.

- B. Respondent also consents to the imposition of a bar from association with any FINRA member in all capacities.

Respondent understands that if he is barred or suspended from associating with any FINRA member, he becomes 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, Respondent 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

Respondent specifically and voluntarily waives 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, Respondent specifically and voluntarily waives 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.

Respondent further specifically and voluntarily waives 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

Respondent understands 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 Respondent; and
- C. If accepted:
1. this AWC will become part of Respondent's permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against him;
  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. Respondent 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. Respondent 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.

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.

05/07/2018  
Date (mm/dd/yyyy)

Herbert Voss, Jr.  
Herbert Voss, Jr. - Respondent

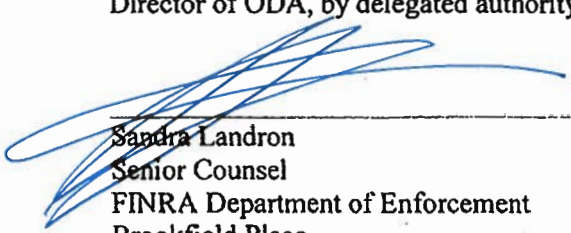
Reviewed by:

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Accepted by FINRA:

5/23/18  
Date

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



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