

1 securities salesman with the Commission in association with broker-dealer Raymond James &
2 Associates, Inc. ("Raymond James") (CRD# 705).

3 4. On or about May 23, 2014, Raymond James terminated Respondent's association with
4 Raymond James for cause.

5 5. Raymond James' Uniform Termination Notice For Securities Industry Registration,
6 Form U5 ("Form U5") filed on or about June 20, 2014, which terminated Respondent's registration
7 with FINRA and the Commission, states that Respondent violated company policy including improper
8 endorsements on checks.

9 6. Following his termination from Raymond James, from on or about July 11, 2014 through
10 on or about October 13, 2015, Respondent once again became a registered representative with FINRA
11 and a registered securities salesman with the Commission in association with broker-dealer Moors &
12 Cabot, Inc. (CRD# 594).

13 7. Respondent's association with Moors & Cabot and his registrations with FINRA and the
14 Commission terminated on or about October 13, 2015. Moors & Cabot's Form U5 filing states that
15 Respondent's termination from Moors & Cabot was voluntary.

16 8. Respondent is not currently registered with FINRA or the Commission.

17 9. Notwithstanding that Respondent is not currently registered with the Commission, under
18 A.R.S. § 44-1963 (D) respondent continues to be subject to the Commission's jurisdiction for two years
19 after the termination of his registration for the purpose of denying, suspending or revoking his
20 registration in connection with conduct that began before the termination of his registration.

21 **III.**

22 **FACTS**

23 10. In connection with Respondent's for-cause termination from Raymond James, FINRA
24 conducted an investigation into Respondent's conduct as reported by Raymond James' Form U5
25 filing. As a result of that investigation and prior to FINRA filing a formal complaint commencing a
26 proceeding against Respondent, Respondent entered into a FINRA Letter of Acceptance, Waiver,

1 and Consent (“AWC”) which was accepted by FINRA on October 8, 2015, in settlement of the
2 alleged rule violations.

3 11. Under the AWC, Respondent agreed to a permanent bar from association with any
4 FINRA member in any capacity. The bar became effective October 8, 2015. As Respondent was still
5 registered at the time the AWC became effective, the permanent bar effectively revoked
6 Respondent’s registration.

7 12. The AWC states that from January 2007 through April 2014, Respondent violated
8 NASD² and FINRA rules by converting at least \$112,742 from an estate testamentary trust for which
9 he served as trustee and by forging the signature of a co-executor on at least twelve checks made
10 payable to the estate, using certain of those funds for his personal use.

11 **IV.**

12 **REMEDIES PURSUANT TO A.R.S. § 44-1962**

13 **(Revocation of Registration of Salesman)**

14 13. FINRA’s permanent revocation of Respondent’s FINRA membership is grounds to
15 revoke Respondent’s registration as a securities salesman with the Commission pursuant to A.R.S. § 44-
16 1962.

17 14. Specifically, Respondent is subject to an order of an SRO which permanently revokes
18 his membership or registration within the meaning of A.R.S. § 44-1962(A)(8).

19 **V.**

20 **REQUESTED RELIEF**

21 The Division requests that the Commission grant the following relief:

22 1. Order the revocation of Respondent’s registration as a securities salesman pursuant to
23 A.R.S. § 44-1962;

24 2. Order any other relief that the Commission deems appropriate.

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² In July 2007 the National Association of Securities Dealers (“NASD”) consolidated with the member regulation, enforcement and arbitration operations of the New York Stock Exchange (“NYSE”) to form FINRA.

VI.**HEARING OPPORTUNITY**

Respondent may request a hearing pursuant to A.R.S. § 44-1972 and A.A.C. R14-4-306. **If Respondent requests a hearing, Respondent must also answer this Notice.** A request for hearing must be in writing and received by the Commission within 10 business days after service of this Notice of Opportunity for Hearing. Respondent must deliver or mail the request to Docket Control, Arizona Corporation Commission, 1200 W. Washington, Phoenix, Arizona 85007. Filing instructions may be obtained from Docket Control by calling (602) 542-3477 or on the Commission's Internet web site at <http://www.azcc.gov/divisions/hearings/docket.asp>.

If a request for a hearing is timely made, the Commission shall schedule the hearing to begin 20 to 60 days from the receipt of the request unless otherwise provided by law, stipulated by the parties, or ordered by the Commission. If a request for a hearing is not timely made the Commission may, without a hearing, enter an order granting the relief requested by the Division in this Notice of Opportunity for Hearing.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal, ADA Coordinator, voice phone number 602/542-3931, e-mail sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation. Additional information about the administrative action procedure may be found at <http://www.azcc.gov/divisions/securities/enforcement/AdministrativeProcedure.asp>.

VII.**ANSWER REQUIREMENT**

Pursuant to A.A.C. R14-4-305, if Respondent requests a hearing, Respondent must deliver or mail an Answer to this Notice of Opportunity for Hearing to Docket Control, Arizona Corporation Commission, 1200 W. Washington, Phoenix, Arizona 85007, within 30 calendar days after the date of service of this Notice. Filing instructions may be obtained from Docket Control by calling (602)

1 542-3477 or on the Commission's Internet web site at [http://www.azcc.gov/divisions/hearings/](http://www.azcc.gov/divisions/hearings/docket.asp)
2 [docket.asp](http://www.azcc.gov/divisions/hearings/docket.asp).

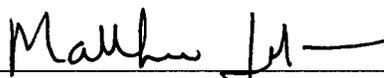
3 Additionally, Respondent must serve the Answer upon the Division. Pursuant to A.A.C. R14-
4 4-303, service upon the Division may be made by mailing or by hand-delivering a copy of the Answer
5 to the Division at 1300 West Washington, 3rd Floor, Phoenix, Arizona, 85007, addressed to Chris
6 Nichols.

7 The Answer shall contain an admission or denial of each allegation in this Notice and the
8 original signature of Respondent or Respondent's attorney. A statement of a lack of sufficient
9 knowledge or information shall be considered a denial of an allegation. An allegation not denied
10 shall be considered admitted.

11 When Respondent intends in good faith to deny only a part or a qualification of an allegation,
12 Respondent shall specify that part or qualification of the allegation and shall admit the remainder.
13 Respondent waives any affirmative defense not raised in the Answer.

14 The officer presiding over the hearing may grant relief from the requirement to file an Answer
15 for good cause shown.

16 Dated this 31st day of March, 2016.

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20 Matthew J. Neubert
21 Director of Securities
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