

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 20060064060-03**

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REGISTRATION & DISCLOSURE

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

RE: James Sylvester Currier, Respondent
CRD No. 2070654

Pursuant to NASD Rule 9216 of FINRA's Code of Procedure, I 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

James Sylvester Currier has been registered with various member firms of FINRA (f/k/a NASD) since 1990. He was Chief Financial Officer at Leonard and Company from 1996 to 1997, Chief Compliance Officer from approximately 2001 until 2004, and Chief Operating Officer of Leonard from approximately 2001 to 2008. Currier obtained his series 24 license in 1997 and his Series 7, 27, and 63 registrations in 1990. He is not currently employed in the securities industry.

RELEVANT DISCIPLINARY HISTORY

Currier has been the subject of multiple FINRA disciplinary proceedings. In 2002, pursuant to an AWC, NASD censured and fined Currier \$42,500 jointly and severally with his firm for violating Rules 2110, 2210, and 3070 by distributing sales literature that omitted material facts and failing to timely report 25 customer complaints.

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Pursuant to an AWC dated November 28, 2005, Currier was found to have failed to ensure compliance with the requirements of Rule 3070 and to timely report information relating to customer complaints and arbitration claims and settlements as required by Rule 3070 and Art. V, § 3(b) of NASD Bylaws. Currier was censured, fined \$5,000, and suspended for ten days in all principal capacities. The terms of the settlement required that he "re-qualify as a principal by taking and passing the Series 24 examination before undertaking activities in that capacity."

In 2008, pursuant to an AWC, Currier was found to have violated Rule 2110 by making material omissions and negligent misrepresentations in connection with the sale of unregistered securities in the form of preferred Leonard stock. Currier was suspended for ten days in all principal capacities.

In January 2008, Currier agreed to a Consent Order with the New Jersey Department of Insurance for his failure to disclose to it the 2002 and 2005 AWCs with FINRA. He was fined \$500.

OVERVIEW

From January 18, 2006 to September 21, 2006, Respondent Currier violated NASD Rule 2110 by acting as a Series 24 principal without having re-qualified to act in that capacity as required by an AWC. Among other things, Currier acted as a Series 24 principal during that time period by supervising a broker and reviewing his trades.

FACTS AND VIOLATIVE CONDUCT

Currier Violated NASD Rule 2110 and the Terms of an AWC by Acting as General Principal Before Requalifying as a Series 24

1. Currier Was Suspended and Had Notice of the Suspension.

As described above, on November 28, 2005, FINRA issued an AWC finding that Currier had violated certain NASD rules. The AWC suspended Currier for ten days in all principal capacities and required that he "re-qualify as a principal by taking and passing the Series 24 examination before undertaking activities in that capacity."

Currier signed the AWC on September 22, 2005. By letter dated November 28, 2005, FINRA notified Currier that the AWC had been accepted. By letter dated December 7, 2005, FINRA notified Leonard that the ten-day suspension would be in effect from January 3, 2006 through January 17, 2006.

2. Currier Violated the Express Terms of the AWC.

Currier resumed all of his duties at Leonard as the Firm's Chief Operating Officer, including his duties as a Series 24, immediately on January 18, 2006. He did so, however, without requalifying as a Series 24, as required by the terms of the AWC. In fact, Currier did not

requalify until September 21, 2006, over eight months later. Among the activities undertaken by Currier during the period after his suspension and before he requalified as a Series 24, he supervised at least one broker and reviewed over 150 trades.

Currier failed to comply with the terms of the November 28, 2005 AWC by acting as a Series 24 principal between January 17, 2006 and September 21, 2006, without having requalified to act in that capacity. By engaging in those activities Currier violated Rule 2110.

B. Currier also consents to the imposition of the following sanctions:

1. A fine of \$5,000;
2. A two year suspension from acting in the capacity of a Series 24 principal, Series 27 principal, or in any other principal capacity;
3. A six month suspension from associating with any FINRA registered firm in any capacity.

The sanctions imposed herein shall be effective on a date set by FINRA staff.

II.

WAIVER OF PROCEDURAL RIGHTS

I specifically and voluntarily waive the following rights granted under FINRA's Code of Procedure:

- A. To have a Formal Complaint issued specifying the allegations against me;
- B. To be notified of the Formal 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 General Counsel, 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 NASD Rule 9143 or the separation of functions prohibitions of NASD 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 NASD 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 response to public inquiries about my disciplinary record;
 - 3. FINRA may make a public announcement concerning this agreement and the subject matter thereof in accordance with NASD Rule 8310 and IM-8310-3; 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 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.

8/10/09

Date

Respondent

James Sylvester Carrier

Reviewed by

John Hubbard

Counsel for Respondent

Beals Hubbard, PLC

30665 Northwestern Highway, Suite 100

Farmington Hills, MI 48334

Accepted by FINRA:

Aug. 24, 2009

Date

Signed on behalf of the

Director of ODA, by delegated authority

Thomas B. Lawson

Chief Counsel

FINRA Department of Enforcement

1801 K Street, NW, Suite 800

Washington, DC 20006