

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 2007010994101**

RECEIVED

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REGISTRATION & DISCLOSURE

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

RE: Thomas J. Kuba , Respondent  
General Securities Representative  
[CRD No. 4605913]

Pursuant to NASD Rule 9216 of FINRA's Code of Procedure, Thomas J. Kuba 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 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**

Thomas J. Kuba entered the securities industry on March 3, 2004 as an Investment Company and Variable Contracts Products Representative of Northwestern Mutual Investment Services, LLC, a member of FINRA (f/k/a National Association of Securities Dealers or NASD). Kuba, during all periods mentioned herein, was associated with member firm Northwestern Mutual Investment Services, LLC, and was registered with FINRA under Article V of the By-Laws as an Investment Company and Variable Contracts Products Representative. Although Kuba is not currently registered with any member firm, he remains subject to the jurisdiction of FINRA until October 7, 2009, pursuant to Article V, Section 4 of FINRA's By-Laws, which provides for a two-year period of retained jurisdiction following the filing of any amendment to a notice of termination where the amendment discloses that the formerly registered person may have engaged in conduct actionable under any applicable statute, rule, or regulation.

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### **RELEVANT PRIOR DISCIPLINARY HISTORY**

On April 10, 2008, the Nineteenth Judicial Circuit for St. Lucie County, Florida, Criminal Division entered a judgment reflecting that Kuba had pleaded *nolo contendere* to the crime of forgery. The court withheld adjudication of guilt, pending completion of a two-year probation.

On February 8, 2008, Kuba signed a Settlement Stipulation Consent Order with the State of Florida, Department of Financial Services. The Department of Financial Services alleged that Kuba submitted applications for life insurance policies without the knowledge, consent, or true signature of the insureds. Kuba agreed to surrender his insurance license and may not apply for another license for two years.

### **OVERVIEW**

Kuba forged the names of six customers to insurance documents without their knowledge or authorization.

### **FACTS AND VIOLATIVE CONDUCT**

1. From May 2007 to September 2007, without permission or authorization, Thomas J. Kuba forged the signatures of six customers on "Term Conversion Express Request Forms" and other documents in order to accomplish the partial conversion of the customers' term life insurance policies to whole life policies. The customers neither authorized the transactions nor the signing of their names.

Such acts, practices, and conduct constitute separate and distinct violations of NASD Conduct Rule 2110 by Thomas J. Kuba.

2. By letters dated January 25, 2008 and February 4, 2008, the FINRA District staff requested information from Thomas J. Kuba. These requests for information were sent to Kuba's address as reflected in the Central Records Depository and were sent pursuant to, and in accordance with, the provisions of Procedural Rule 8210. Kuba failed to respond to these requests.

Such acts, practices, and conduct constitute separate and distinct violations of NASD Conduct Rules 2110 and NASD Procedural Rule 8210 by Thomas J. Kuba.

- B. I also consent to the imposition of the following sanctions:

A bar of Thomas J. Kuba from association with any member of FINRA in any capacity.

I understand that if I am barred or suspended from associating with any FINRA member, I become subject to a statutory disqualification as that term is defined in Section 3(a)(39) of the Securities Exchange Act of 1934, as amended. Accordingly, I may not be associated with any FINRA member in any capacity, including clerical or ministerial functions, during the period of the bar or suspension. (See NASD Rule 8310 and IM-8310-1.)

The sanctions imposed herein shall be effective on a date set by FINRA staff. Pursuant to NASD IM-8310-3(e), a bar or expulsion shall become effective upon approval or acceptance of this AWC.

## II.

### WAIVER OF PROCEDURAL RIGHTS

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

- A. To have a 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**

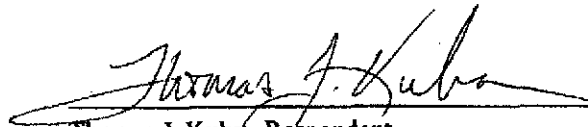
I understand that:

- 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.

Letter of Acceptance, Waiver,  
and Consent  
Thomas J. Kuba  
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9/25/08  
Date

  
Thomas J. Kuba, Respondent  
Investment Company and Variable Contracts  
Products Representative

Reviewed by:

  
Counsel for Respondent  
Michael Salnick, Esq.  
Salnick, Fuchs & Bertisch, PA  
One Clearlake Centre  
250 South Australian Ave., Ste. 1203  
West Palm Beach, FL 33401-5014

Accepted by FINRA:

October 13, 2008  
Date

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

  
Laura Leigh Blackston, Senior Regional Counsel  
FINRA, Department of Enforcement  
1100 Poydras Street, Suite 850  
New Orleans, Louisiana 70163-0802  
Phone: 504/522-6527  
FAX: 504/522-4077