

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2007011359201**

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

RE: Daniel Kevin Mennemeyer, Respondent
General Securities Representative
CRD No. 2908642

Pursuant to NASD Rule 9216 of FINRA's Code of Procedure, Daniel Kevin Mennemeyer [or Respondent] 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

Daniel Kevin Mennemeyer became registered as a General Securities Representative (Series 7) in August 1997 and was registered in that capacity with FINRA members, including Questar Capital Corporation, where he was registered from December 1, 2006 until his registration was terminated on November 29, 2007. Mennemeyer is not currently registered with a FINRA member.

RELEVANT PRIOR DISCIPLINARY HISTORY

Mennemeyer has no prior disciplinary history.

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OVERVIEW

In approximately August 2006, Mennemeyer used the identification information of an 88-year-old customer without her knowledge or approval to obtain a credit card in the customer's name which he used. From approximately August 2006 until November 2007, Mennemeyer committed credit card fraud in that he used the customer's credit card to pay his business and personal expenses totaling more than \$11,000, without her knowledge or approval, which he failed to repay. Mennemeyer subsequently lied during an investigation about the matter.

FACTS AND VIOLATIVE CONDUCT

1. On or about August 30, 2006, Mennemeyer used the identification information of MN, an 88-year-old customer, to open a credit card account, without MN's knowledge or approval.
2. From approximately September 2006 until November 2007, Mennemeyer charged business and personal expenses and purchases, and transferred unpaid balances from other credit cards to the account he opened in MN's name, without MN's knowledge or approval.
3. By approximately November 2007, the balance that accrued on the credit card that Mennemeyer fraudulently opened in the name of MN totaled approximately \$11,670, which he failed to pay.
4. In response to investigative inquiries by his employer, Questar Capital Corporation, about Mennemeyer's knowledge of the credit card charges in MN's name, Mennemeyer repeatedly lied by claiming a fictitious part-time employee whom he refused to identify, was responsible.

Each of the acts described in Paragraphs 1 through 4 constitute separate and distinct violations of NASD Conduct Rule 2110.

OTHER FACTORS

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

Respondent understands that if he is barred or suspended from associating with any FINRA member, Respondent becomes 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, Respondent may not be associated with any FINRA member in any capacity, including clerical or ministerial functions, during the period of the bar. (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

Respondent specifically and voluntarily waives the following rights granted under FINRA's Code of Procedure:

- A. To have a Formal Complaint issued specifying the allegations against Respondent;
- 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, Respondent specifically and voluntarily waives 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.

Respondent further specifically and voluntarily waives 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**

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 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 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 Respondent;**
 - 2. this AWC will be made available through FINRA's public disclosure program in response to public inquiries about Respondent's 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. 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 Respondent's 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 Respondent 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 Respondent to submit it.

10/13/2008
Date

Daniel K. Mennemeyer
Daniel Kevin Mennemeyer, Respondent

Reviewed by:
Attorney Name
Counsel for Respondent
Firm Name
Address
City/State/Zip
Phone Number

Accepted by FINRA:

October 23, 2008
Date

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

Pamela Shu
Pamela Shu
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FINRA Department of Enforcement
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