

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS
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REGISTRATION & DISCLOSURE

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

ADAM PHILLIP GERBER,
(CRD No. 5506987)

Respondent.

Disciplinary Proceeding
No. 2008014493601

Hearing Officer: AHP

Date: May 7, 2009

ORDER ACCEPTING OFFER OF SETTLEMENT

INTRODUCTION

Disciplinary Proceeding No. 2008014493601 was filed on March 30, 2009, by the Department of Enforcement (Complainant) of the Financial Industry Regulatory Authority (FINRA). Respondent Adam Phillip Gerber submitted an Offer of Settlement (Offer) to Complainant on April 29, 2009. Pursuant to FINRA Rule 9270(e), the Complainant and the National Adjudicatory Council (NAC), a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs (ODA) have accepted the uncontested Offer. Accordingly, this Order now is issued pursuant to FINRA Rule 9270(e)(3). The findings, conclusions and sanctions set forth in this Order are those stated in the Offer as accepted by the Complainant and approved by the NAC.

Under the terms of the Offer, Respondent has consented, without admitting or denying the allegations of the Complaint, 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, to the entry of findings and violations consistent with the allegations of the Complaint, and to the imposition of the sanctions set forth below, and fully understands that this Order will become part of Respondent's permanent disciplinary record and may be considered in any future actions brought by FINRA.

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BACKGROUND

Adam Phillip Gerber (Gerber) was employed by FINRA member J.P. Turner & Company, LLC (J.P. Turner) on June 26, 2008. He submitted a Uniform Application for Securities Industry Registration (Form U4) dated June 26, 2008, through which he was seeking registration as a general securities representative. Gerber was not registered with FINRA and was terminated by J.P. Turner on July 22, 2008. Gerber is not currently associated with a FINRA member.

FINDINGS AND CONCLUSIONS

It has been determined that the Offer be accepted and that findings be made as follows: On June 26, 2008, Gerber became employed by J.P. Turner as an assistant to registered representative C.R.P. At some point after June 26, 2008, Gerber found a checkbook for a bank account that belonged to C.R.P. Gerber then took a total of ten checks from C.R.P.'s checkbook, made the checks payable to himself, and forged C.R.P.'s signature on the checks. Gerber cashed the checks and converted the proceeds of \$7,360 for his own use and benefit.

In August 2008, FINRA initiated an investigation into the activities of Gerber while he was employed at J.P.

Turner. By letter dated August 25, 2008, sent via first class mail to Gerber at his residential CRD address [REDACTED]

[REDACTED] Gerber was requested, pursuant to NASD Procedural Rule 8210, to submit a signed written statement regarding his conduct at J.P. Turner. The August 25, 2008 letter included a deadline for submission of the requested statement of no later than September 8, 2008. The August 25, 2008 letter was not returned. Gerber failed to respond by the September 8, 2008 deadline.

On September 10, 2008, a second letter was sent, via first class and certified mail, to Gerber at his residential CRD address. Gerber was requested, once again, to submit a signed written statement, pursuant to NASD Procedural Rule 8210, regarding his conduct at J.P. Turner by September 29, 2008. The September 10, 2008 letter sent by first class mail was not returned. A receipt for the September 10, 2008 letter sent by certified mail

was returned indicating that it had been signed by Gerber. Gerber failed to respond by the September 29, 2008 deadline

Based on the foregoing, Respondent violated NASD Conduct Rule 2110 and NASD Procedural Rule 8210.

Based on these considerations, the sanctions hereby imposed by the acceptance of the Offer are in the public interest, are remedial to deter Respondent from any future misconduct, and represent a proper discharge by FINRA, of its regulatory responsibility under the Securities Exchange Act of 1934.

SANCTIONS

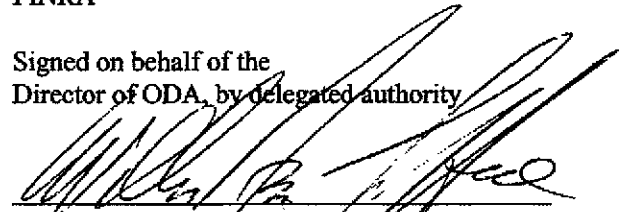
It is ordered that Respondent be barred from association with any FINRA member in any capacity.

The sanctions imposed herein shall be effective on a date set by FINRA staff. Pursuant to FINRA Rule 8313(e), a bar or expulsion shall become effective upon approval or acceptance of this Order.

SO ORDERED.

FINRA

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



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