

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

Department of Enforcement,

Complainant,

v.

Kelvin Koma,
CRD No. 5327866,

Respondent.

Disciplinary Proceeding
No. 2008015985501

Hearing Officer: Andrew H. Perkins

**ORDER ACCEPTING OFFER OF
SETTLEMENT**

Date: September 3, 2009

INTRODUCTION

Disciplinary Proceeding No. 2008015985501 was filed on July 22, 2009, by the Department of Enforcement of the Financial Industry Regulatory Authority (FINRA) (Complainant). Respondent Kelvin Koma ("Koma") submitted an Offer of Settlement (Offer) to Complainant on August 25, 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

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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.

BACKGROUND

Koma, CRD No. 5327866, was registered as a Series 6 and 63 with Chase Investment Services Corp. (the "Firm") from January 2008 until his termination on November 3, 2008. While registered with the Firm, he worked as a Personal Banker with JP Morgan Chase Bank, N.A. (the "Retail Bank"). Koma has not been associated with a FINRA regulated broker-dealer since his date of termination, however, he remains subject to FINRA's jurisdiction, pursuant to Article V, Section 4 (a) of the By-Laws.

FINDINGS AND CONCLUSIONS

It has been determined that the Offer be accepted and that findings be made as follows:

Violation of NASD Conduct Rule 2110

Between October 3, and October 14, 2008, Koma wrongfully obtained ATM cards that belonged to two customers of the Retail Bank and used them to make unauthorized withdrawals from the customers' accounts.

Specifically, on October 3, 2008, Koma retrieved the ATM card belonging to customer AH that the customer inadvertently had left in one of the ATM machines. Koma changed the PIN number on the ATM card by using another employee's login information. Between October

3 and October 6, 2008, he made several unauthorized withdrawals, totaling \$1,213, from the customer's account.

On October 11, 2008, Koma issued an ATM card and PIN number to another Retail Bank customer DS at the customer's request. That same day, without the customer's knowledge or authorization, Koma generated a second ATM card for that customer by using another Retail Bank employee's ID. Between October 11 and October 14, 2008, Koma used this second ATM card to make several withdrawals, totaling \$1,412, from the account of customer DS.

Koma admitted to the Retail Bank that he misappropriated \$2,625 from the two customers and that he used the misappropriated funds for his own personal use.

Violation of FINRA Rules 8210 and 2010

By letter dated December 16, 2008, FINRA's Member Regulation Department ("MR") issued a request letter to Koma, pursuant to FINRA Rule 8210, requesting that he provide certain information. The letter was sent via certified mail, return receipt requested, and regular first class U.S. mail to Koma at his residential address as reflected in the Central Registration Depository ("CRD address"). Neither the certified nor the first class letters were returned to FINRA by the postal authorities. The United States Postal Service's ("USPS") website shows that someone signed for the certified copy on December 20, 2008. The signature is illegible. Koma failed to respond to this letter.

By letter dated January 13, 2009, MR sent Koma a second letter, pursuant to FINRA Rule 8210, requesting that he provide information. The letter was sent by certified mail and regular first class U.S. mail to Koma's CRD address. Neither the certified nor the first class letters were

returned to FINRA by the postal authorities. The USPS website shows that someone signed for the certified copy on January 16, 2009. The signature is illegible. Koma failed to respond to this request.

By letter dated April 14, 2009, sent via certified mail, return receipt requested and regular first class U.S. mail to Koma's CRD address, pursuant to FINRA Rule 8210, Enforcement requested that Koma appear and provide testimony at 14 Wall Street, in New York City on May 27, 2009. The return receipt for this certified letter was signed and returned to Enforcement, but the signature was illegible. The copy of the request letter sent via first class U.S. mail was not returned to Enforcement. Koma failed to appear and provide testimony on May 27, 2009.

Based on the forgoing, Respondent violated:

1. NASD Conduct Rule 2110
2. FINRA Rules 8210 and 2010

Based on these considerations, the sanctions hereby imposed by the acceptance of the Offer are in the public interest, are sufficiently 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

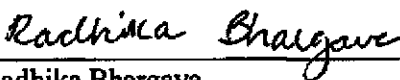
It is ordered that Respondent be barred from associating in any capacity with any FINRA member.

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


Radhika Bhargava,
Senior Counsel
FINRA Department of Enforcement
14 Wall Street, 14th Floor
New York, NY 10005
T: (646) 315-7309
F: (202) 689-3425