

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2009017596901**

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

RE: George Abbott Berry, Respondent
Registered Representative
CRD No. 4319797

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I [George Abbott Berry or "Berry" or "Respondent"] 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

Berry was born on [REDACTED]. He first entered the securities industry in December 2000 with Centaurus Financial Inc. where he began to work as a registered representative in February 2001. He remained with Centaurus until September 19, 2002 when he joined Veritrust Financial, LLC. He remained with Veritrust until December 2003. In March 2004, Berry re-joined Centaurus Financial, Inc. where he remained until December 2004. He then left Centaurus again and joined Intersecurities, Inc. in January 2005 where he remained until he resigned in October 2007. In October 2007, Berry joined Allstate Financial Services Inc, LLC where he remained through May 2008. In June 2008, Berry joined Farmer Financial Solutions, LLC where he remained until December 2, 2008. Berry has held both a Series 7 and a Series 63 license since 2001.

000061124 2011

Although Berry is not currently registered or associated with any member firm, he remains subject to FINRA's jurisdiction pursuant to Article V, Section 4, of FINRA's By-Laws. The conduct that serves as the basis for this action occurred prior to his termination of registration from a member firm and the AWC is being filed within two years after the effective date of Berry's termination of registration with a FINRA registered broker-dealer.

OVERVIEW

Berry worked as a registered representative for Intersecurities, Inc (the "Firm") from January 2005 until October 2007. Thereafter, he worked for two other member firms. He left the securities industry on December 2, 2008. While with the Firm, Berry serviced an account held by his mother, ("JB"). The account remained open after Berry's employment with the Firm ended in October 2007. In March 2009, the Firm discovered that JB died in November 2006; although Berry had never informed the Firm of her death. Berry made unauthorized withdrawals from the deceased customer's account on January 17, 2008 and July 24, 2008. The sum of the proceeds taken from the account on the two dates was approximately \$70,000.

FACTS AND VIOLATIVE CONDUCT

1. Customer JB, Berry's mother, opened a brokerage account at the Firm on February 16, 2005.
2. Berry was the broker of record but did not have power of attorney or discretionary authorization over the account and was not a party to the account.
3. JB's listed address for the account was the same as Berry's home CRD address.
4. JB passed away in November 2006. Berry did not report her death to the Firm.
5. Berry left the Firm in October 2007.
6. On January 17, 2008, Berry removed funds from his mother's brokerage account at the Firm in the amount of \$60,000 by requesting that a check in that amount be drawn on the brokerage account and sent to customer JB's listed address.
7. Berry deposited the check for \$60,000 in a joint checking account at RBC Bank that Berry shared with JB.
8. On July 24, 2008, Berry removed funds from his mother's brokerage account at the Firm in the amount of \$10,000 by requesting that a check in that amount be drawn on the brokerage account and sent to customer JB's listed address.
9. Berry deposited the check for \$10,000 in a joint checking account at RBC Bank that Berry shared with JB.
10. On or about March 20, 2009, Berry submitted to the Firm a written withdrawal request for JB's account in the amount of \$10,000. The Firm discovered that the signature on the request form did not match a signature for the customer on file.
11. On March 20, 2009, Berry called the Firm's customer relations department known as "Rep Relations," to inquire why the money had not been deposited into the joint bank

account at RBC Bank. During the conversation with the Firm, the Firm informed Berry that it was now aware that his mother had died and that the funds could not be transferred.

12. Berry acknowledged his mother's death in his telephone conversation with the Firm's Rep Relations staff.
13. Since the account holder was deceased the Firm froze the brokerage account.
14. The Firm amended Berry's U-5 on April 2, 2009 to reflect an internal review of Berry's withdrawals from his mother's account and the failure of the Berry to advise the Firm of his mother's death.

By engaging in the foregoing conduct, Berry violated NASD Rules 2330(a) and 2110, in that he made improper use of a customer's funds and failed to observe high standards of commercial honor and just and equitable trade practices.

I also consent to the imposition of the following sanction(s):

- I. A bar from acting in any and all capacities with any member firm.

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 FINRA Rules 8310 and 8311).

The sanction(s) 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 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 Complaint issued specifying the allegations against me;
- B. To be notified of the 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 FINRA Rule 9143 or the separation of functions prohibitions of FINRA 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 FINRA 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 FINRA Rule 8313; 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 [the Firm] to submit it.

11/19/10
Date

George Abbott Berry
George Abbott Berry, Respondent

Accepted by FINRA:

11/22/10
Date

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

Linda Riefberg
Linda Riefberg
Chief Counsel
FINRA Department of Enforcement
14 Wall Street
New York, NY 10005
Tel. (646) 315-7395; Fax (646) 315-7442