

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 20090182205**

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

RE: Nathan Mark Spiegel, Respondent
Former Registered Representative
CRD No. 4823748

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I 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

Nathan Mark Spiegel ("Spiegel") was born in [REDACTED]. He entered the securities industry in June 2004 as a registered representative trainee with Edward D. Jones & Co. (the "Firm") and was approved as a registered representative in January 2005. On April 30, 2009, Spiegel's association with Edward Jones was terminated for cause. Spiegel is not currently associated with any FINRA regulated entity.

RELEVANT DISCIPLINARY HISTORY

Spiegel has no relevant disciplinary history.

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OVERVIEW

Between November 2007 and April 2009 (the "Relevant Period"), while associated as a registered representative with the Firm, Spiegel executed unauthorized and improper discretionary transactions in eight customers' accounts and accepted trading instructions from a third-party for another customer's account without obtaining written authorization.

FACTS AND VIOLATIVE CONDUCT

Beginning in or about December 2005, Spiegel worked as the sole registered representative in the Firm's Carbondale, Illinois branch office ("Carbondale Office"). During the Relevant Period, Spiegel serviced, among others, the non-discretionary securities accounts of MW, KW, DB, BD, OB, LH, PB and the joint account of DS and KS.

Unauthorized Transactions

Between approximately October 2008 and April 2009, Spiegel executed 18 mutual fund and equity transactions in the accounts of MW, KW, DB, DS and KS, without the knowledge or authorization of the customers. Specifically, Spiegel executed seven mutual fund transactions in MW's account in October 2008. In April 2009, Spiegel executed four equity transactions in MS's account, three equity transactions in KW's account and two equity transactions in DB's account. During the same month, Spiegel also executed two equity transactions in the joint account of DS and KS. Spiegel executed the April 2009 equity transactions without authorization from MW, KW, DB, DS or KS and did so to generate commission revenue for himself and not to benefit the customers.

Discretionary Transactions

Between January 2009 and April 2009, Spiegel executed eight mutual fund and equity transactions in the accounts of DB, BD and LH pursuant to the customers' prior verbal grant of discretionary authority to Spiegel. The customers did not provide Spiegel with written documentation granting him the authority to execute transactions for their accounts without first obtaining their approval and the Firm did not approve the accounts as discretionary. Spiegel executed four mutual fund discretionary transactions in DB's account in January 2009. In April 2009, Spiegel executed two separate discretionary transactions in the accounts of BD and LH. Additionally, Spiegel executed the April 2009 transactions in the accounts of BD and LH to generate commission revenue for himself and not to benefit the customer.

Accepting Third Party Orders without Prior Written Authorization

In September 2007, PB opened an individual retirement account at the Firm. From its inception, Spiegel served as the registered representative on the account. PB verbally authorized Spiegel to accept investment instructions from her husband, GK. However, PB did not execute any document granting trading authority to GK and he did not have power-of-attorney for the account. Between November 2007 and April 2009, Spiegel executed one equity and nine mutual fund transactions for PB's account pursuant to instructions from GK.

Relevant Rules

NASD Conduct Rule 2110 requires that each member observe high standards of commercial honor in the conduct of his business.¹ FINRA Conduct Rule 2510(b) provides that "[n]o member or registered representative shall exercise any discretionary power in a customer's account unless such customer has given prior written authorization to a stated individual or individuals and the account has been accepted by the member...in accordance with Rule 3010." A violation of Rule 2510 is also a violation of Rule 2110. The acceptance of trade orders from third parties without the written authorization of the account owner of record is a violation of NASD Rules 2510(b) and 2110.

IM-2310-2(a)(1) states that "[i]mplicit in all member and registered representative relationships with customers and others is the fundamental responsibility for fair dealing." IM-2310-2(b)(4)(iii) provides in relevant part, that it is a violation of fair dealing to execute transactions which are unauthorized by customers.

Based upon the foregoing, Spiegel violated NASD Conduct Rule 2110 and IM-2310-2 by executing unauthorized transactions in the securities account of a customer during October 2008; FINRA Conduct Rule 2010 and IM-2310-2 by executing unauthorized transactions in the securities accounts of five customers in April 2009; NASD Conduct Rule 2510(b) and FINRA Conduct Rule 2010 by executing discretionary transactions in the accounts of three customers between January 2009 and April 2009, without written authorization from the customers and without the approval of his member firm employer; NASD Conduct Rules 2510(b) and 2110 by accepting and executing trade orders in a customer's account from a third-party without written authorization between November 2007 and December 2007; and NASD Conduct Rule 2510(b) and FINRA Conduct Rule 2010 by accepting and executing trade orders in a customer's account from a third-party without written authorization between January 2009 and April 2009.

¹ Effective December 15, 2008, NASD Rule 2110 became FINRA Conduct Rule 2010.

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

A bar from association with any member 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 Article III, Section 4 of FINRA's By-Laws, incorporating Section 3(a)(39) of the Securities Exchange Act of 1934. 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 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 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 to submit it.

2/17/2011
Date

Nathan Spiegel
Nathan Mark Spiegel

Accepted by FINRA:

3-14-11
Date

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

Suzanne R. Elovic
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