

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

DEPARTMENT OF ENFORCEMENT,

COMPLAINANT,

v.

KYLE PATRICK MACDONALD,
(CRD No. 4674276),

RESPONDENT.

DISCIPLINARY PROCEEDING
NO. 20090183759

Hearing Officer: Maureen A. Delaney

ORDER ACCEPTING OFFER OF SETTLEMENT

Date: March 10, 2010

INTRODUCTION

Disciplinary Proceeding No. 20090183759 was filed on December 23, 2009, by the Department of Enforcement of the Financial Industry Regulatory Authority ("FINRA") ("Complainant"). Respondent Kyle Patrick MacDonald ("Respondent") submitted an Offer of Settlement ("Offer") to Complainant on February 17, 2010. 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

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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

Respondent first became registered with a FINRA-regulated broker-dealer in 2003. Respondent, a registered representative, was an associated person with Ameriprise Financial Services, Inc. (the "Firm"), a FINRA-regulated broker-dealer, from on or about June 19, 2003 through on or about April 17, 2009, when he voluntarily terminated his employment. Respondent is no longer associated with a FINRA-regulated broker-dealer. However, FINRA retains jurisdiction over Respondent pursuant to Article V, Section 4 of FINRA's By-Laws.

FINDINGS AND CONCLUSIONS

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

1. During all relevant times, FK and AK were members of the public and maintained a joint account at the Firm. During all relevant times, DW was a member of the public and maintained an account at the Firm.
2. In February 2009, FK and AK wrote a check payable to Respondent for \$500 for financial planning fees. In March 2009, DW wrote a check payable to Respondent for \$600 for financial planning fees.
3. Although FK, AK, and DW intended to make these payments to Ameriprise for financial planning fees due and owing to the Firm, Respondent instructed them to make their checks payable to him personally.

4. Respondent, without permission or authority, wrongfully cashed the \$500 check from FK and AK and the \$600 check from DW and used these funds for Respondent's own uses and purposes.
5. The above acts, practices, and conduct constitute conversion, in violation of FINRA Rule 2010.

Based on the foregoing, Respondent violated FINRA Rule 2010.

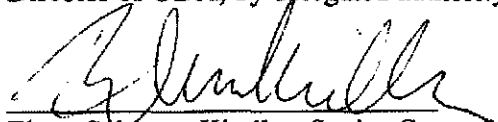
Based on these considerations, the sanctions hereby imposed by the acceptance of the Offer are in the public interest, are sufficiently remedial to deter Respondent from any future misconduct, and represent a proper discharge by FINRA, of its regulatory responsibility under the Securities Exchange Act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

SANCTIONS

It is ordered that Respondent be barred from 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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