

FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS

Department of Enforcement,

Complainant,

v.

Dame Cisse (CRD No. 5100016),

Respondent.

DISCIPLINARY PROCEEDING
No. 2009019297801

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. On July 3, 2009, while associated with Capital Analysts, Inc. ("Capital Analysts" or the "Firm") as an Accountant, Dame Cisse ("Cisse" or the "Respondent") attempted to misappropriate funds totaling \$4,828.10 from his member firm employer.

RESPONDENT AND JURISDICTION

2. Cisse first became associated with a FINRA regulated broker-dealer with Bisys Fund Services Limited Partnership in November 2005. He voluntarily resigned from Bisys in August 2007. On July 7, 2008, Cisse became associated with Capital Analysts, a FINRA regulated broker-dealer. From on or about July 14, 2009 until his termination for attempted theft on or about August 3, 2009, Cisse was registered as a Financial and Operations Principal at the

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Firm. Cisse has not been associated with a FINRA regulated broker-dealer since his termination from the Firm on August 3, 2009.

3. Although Respondent has not been associated with a FINRA member since August 3, 2009, he remains subject to FINRA's jurisdiction for purposes of this proceeding, pursuant to Article V, Section 4 of FINRA's By-Laws, because (1) the Complaint was filed within two years after the date upon which he ceased to be associated with a FINRA member and (2) the Complaint charges him with misconduct committed while he was associated with a FINRA member.

CAUSE OF ACTION

(Attempted Misappropriation of Firm Funds)

Violation of FINRA Rule 2010

4. The Department realleges and incorporates by reference paragraphs 1 through 3 above.

5. Capital Analysts is a subsidiary of the Western and Southern Financial Group ("WSFG"). On July 1, 2009, the WSFG Law Department received a retainer check payable to Capital Analysts from the law firm, MDWCG, for \$4,828.10. The check refunded the balance of an unused retainer for services by MDWCG.

6. On July 1, 2009, a representative from the WSFG Law Department contacted Cisse, an Accountant in the Firm's Finance Unit to determine where the check should be directed. Cisse requested that the check be forwarded directly to him for processing. The representative forwarded the check via inter-office mail to Cisse as instructed.

7. On July 2, 2009, Cisse reported to the WSFG Law Department that he did not receive the check.
8. On July 3, 2009, Cisse attempted to cash the check at EPA, a check cashing business located in Cincinnati, Ohio. The check from MDWCG contained a sole payee, Capital Analysts. The check that Cisse attempted to cash had been modified to include an additional payee: "Kevin Brown."
9. Cisse completed a check cashing application and presented a driver's license to EPA displaying the name "Kevin Brown."
10. An employee at EPA became suspicious and confiscated the check. After Cisse left the premises, EPA notified the Cincinnati Police Department about the incident.
11. On July 28, 2009, EPA notified the WSFG Internal Audit Department about the attempted theft.
12. WSFG's Internal Audit Department promptly conducted an investigation of the incident. During the course of the investigation, they interviewed EPA's business manager, reviewed the check-cashing application, and identified Cisse as "Kevin Brown" based on the still images from an EPA security videotape.
13. On August 3, 2009, the Firm terminated Cisse because of his attempted theft. That same day, the Cincinnati Police Department arrested Cisse at the Firm.
14. On August 19, 2009, Cisse was indicted by the Court of Common Pleas for the State of Ohio on two felony counts of forgery and theft based on his attempt to misappropriate the retainer check from the Firm.

15. On January 14, 2010, Cisse entered a plea of no contest and was convicted of a charge of misdemeanor theft. Cisse was sentenced to 180 days of prison. The Court of Common Pleas for the State of Ohio suspended his sentence and placed Cisse on probation for six months.

16. By virtue of the foregoing, Cisse violated FINRA Rule 2010.

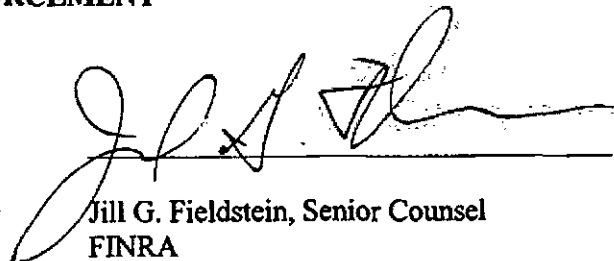
RELIEF REQUESTED

WHEREFORE, the Department respectfully requests that the Panel:

- A. order that one or more of the sanctions provided under FINRA Rule 8310(a), including monetary sanctions, be imposed.
- B. order that the Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with FINRA Rule 8330.

FINRA DEPARTMENT OF ENFORCEMENT

Date: 4/14/11



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