

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

DEPARTMENT OF ENFORCEMENT,	)	Disciplinary Proceeding
	)	No. 2009020767901
Complainant,	)	
	)	
	)	Hearing Officer: LBB
v.	)	
	)	
ANTONIO D. MOSBY	)	
CRD No. 5700585,	)	ORDER ACCEPTING OFFER
	)	OF SETTLEMENT
Respondent.	)	
	)	
	)	Date: December 30, 2010
	)	

INTRODUCTION

Disciplinary Proceeding No. 2009020767901 was filed on October 20, 2010, by the Department of Enforcement of the Financial Industry Regulatory Authority (FINRA) (Complainant). On or about December 21, 2010, Respondent Antonio D. Mosby (Respondent or Mosby) submitted an Offer of Settlement (Offer) to Complainant dated December 12, 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

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party, to the entry of 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

Mosby entered the securities industry on July 23, 2009 as an associated person of COUNTRY Capital. On that date, Mosby completed and signed a Form U4, pursuant to which he submitted himself to FINRA jurisdiction. Mosby became registered with COUNTRY Capital as an Investment Company Products and Variable Contracts Representative on or about September 29, 2009. The firm terminated Mosby on or about December 1, 2009 because Mosby "could not obtain licensing due to undisclosed criminal violation. Pending further review from the NV Insurance Commission based upon discovery of prior theft related conviction." Mosby is no longer employed in the securities industry. Pursuant to Article V, Section 4 of FINRA's By-Laws, FINRA retains jurisdiction over Mosby through November 30, 2011.

FINDINGS AND CONCLUSIONS

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

1. On or about June 26, 2009, Mosby submitted an online application to COUNTRY Financial to become an employee agent.
2. On July 23, 2009, Mosby executed a Form U4 for registration as a representative of COUNTRY Capital. Therein, Mosby disclosed that on May 4, 2001, he had been charged with felony possession of marijuana with intent to distribute and felony

possession of more than eight ounces of marijuana. Mosby represented that these charges had been reduced to misdemeanors. Mosby did not disclose any other criminal history on this Form U4. On or about September 3, 2009, COUNTRY Capital filed Mosby's Form U4 attaching a Criminal Disclosure Reporting Page (DRP) detailing the referenced drug charges.

3. On or about December 3, 2009, the Nevada Division of Insurance provided COUNTRY Capital with copies of court documents indicating that, in April 1999, Mosby had been charged in the Justice Court for Henderson Township in Clark County, Nevada with conspiracy to commit forgery, burglary, forgery, and possession of a forged instrument. The court paperwork further indicated that Mosby had pled guilty to an amended charge of misdemeanor theft in September 2000.

4. On December 3, 2009, COUNTRY Capital made a Rule 3070 filing disclosing Mosby's termination from association with the firm based upon the undisclosed theft conviction. The firm filed a Uniform Termination Notice for Securities Industry Registration (Form U5) on December 18, 2009 disclosing the Clark County, Nevada criminal charges and misdemeanor theft conviction.

5. On or about April 29, 1999, a criminal complaint was filed in the Justice Court, Henderson Township, Clark County, Nevada, Case No. 99FH0407A-B, charging Mosby with: conspiracy to commit forgery (gross misdemeanor), burglary (felony), forgery (felony), and possession of a forged instrument (felony). Mosby subsequently entered into a plea agreement under which he agreed to plead guilty to misdemeanor theft and the remaining charges would be dismissed. This plea was accepted by the criminal court on or about September 19, 2000.

6. As a result of the September 2000 misdemeanor theft conviction, Mosby was subject to a statutory disqualification while he was associated with COUNTRY Capital

7. Mosby completed his Form U4 for COUNTRY Capital on July 23, 2009. Section 14 of that form required the disclosure of the charges identified in paragraph 5 and Mosby's subsequent misdemeanor theft conviction.

8. Section 14 of the Form U4 requires that an applicant provide "complete details of all events or proceedings on appropriate DRP(s)" in the event that the applicant responds "yes" to any question. Questions that required a "yes" response by Mosby (as well as a detailed description) include the following:

- Question 14A(1)(b): Have you ever been charged with a felony?
- Question 14B(1)(a): Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign or military court to a misdemeanor involving: investments or an investment-related business or any fraud, false statements or omissions, wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses?
- Question 14B(1)(b): Have you ever been charged with a misdemeanor specified in 14(B)(1)(a)?

9. Mosby checked "no" to both questions 14B(1)(a) and (b) and failed to acknowledge, reference or provide any details regarding the Clark County criminal proceeding. Rather, the only information provided by Mosby on his Form U4 pertained to the 2001 felony drug charges discussed in paragraph 2.

10. By signing the Form U4, Mosby attested that he read and understood the Form U4 instructions and questions, and, that to the best of his knowledge, his answers contained therein were true and complete.

11. Mosby willfully failed to disclose that, in 1999, he had been charged with a gross misdemeanor – conspiracy to commit forgery, and three felonies - burglary, forgery and possession of a forged instrument. Likewise, he willfully failed to disclose that he resolved those charges by pleading guilty to misdemeanor theft in 2000.

12. Mosby was, at all relevant times, aware that he had been charged with conspiracy to commit forgery, burglary, forgery, and possession of a forged instrument, and that he had pled guilty to misdemeanor theft. Further, based upon the language of the Form U4, Mosby knew or should have known that the charges and conviction needed to be disclosed on his Form U4.

13. By failing to disclose facts pertaining to his criminal history on his Form U4, Mosby submitted or caused to be submitted a Form U4 to FINRA that was materially false or inaccurate. Specifically, Mosby willfully failed to disclose material facts concerning his criminal history on his Form U4.

Based on the foregoing, Mosby willfully violated FINRA Rule 2010 and IM-1000-1.

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.

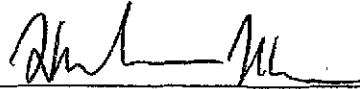
SANCTIONS

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

A handwritten signature in black ink, appearing to read 'Heather Hawker', is written over a horizontal line.

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