

FINANCIAL INDUSTRY REGULATORY AUTHORITY

OFFICE OF HEARING OFFICERS

Department of Enforcement,

Complainant,

v.

Annie O. Kim
CRD No. 4821323,

Respondent.

DISCIPLINARY PROCEEDING
No. 2010022697101

AMENDED COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. In January 2010, Annie Kim exercised discretion in a customer's account without written acceptance of the account as discretionary by her employing FINRA member firm. Additionally, Kim failed to appear for an on-the-record interview.

RESPONDENT AND JURISDICTION

2. Annie Kim entered the securities industry in 2004 as a General Securities Representative of a member of FINRA. In 2008, she became registered with Wells Fargo Advisors LLC, where she remained until April 2, 2010. She is not currently registered with a FINRA member. Although Respondent is no longer registered or associated with a FINRA member, she remains subject to FINRA's jurisdiction for purposes of this proceeding, pursuant

to Article V, Section 4 of FINRA's By-Laws, because the Complaint was filed within two years after the date upon which she ceased to be associated with a FINRA member, namely, April 2, 2010, and the Complaint charges her with misconduct committed while she was registered or associated with a FINRA member and with failing to appear for on-the-record testimony during the two-year period after the date upon which she ceased to be registered or associated with a FINRA member.

FIRST CAUSE OF ACTION
Exercising Discretion Without
Written Authorization
NASD Rule 2510 and FINRA Rule 2010

3. The Department realleges and incorporates by reference paragraphs 1-2 above.
4. On or about January 11, 2010 through on or about January 26, 2010, Kim effected at least eleven transactions in the securities account of customer DC.
5. The transactions were effected at Kim's discretion, without written acceptance of the account as discretionary by Wells Fargo.
6. As a result of the foregoing conduct, Kim violated NASD Rule 2510 and FINRA Rule 2010.

SECOND CAUSE OF ACTION
Failure to Appear for On the Record Testimony
FINRA Rules 8210 and 2010

7. The Department realleges and incorporates by reference paragraphs 1 through 6 above.
8. On or about May 3, 2011, FINRA staff sent a request for Kim to appear for on the record testimony ("OTR") scheduled for May 19, 2011, at FINRA's Chicago office.

9. The Rule 8210 request was sent to Kim's CRD address as well as two additional addresses that FINRA staff discovered, by both regular and certified mail, return receipt requested.

10. The first class mailings were not returned and the certified mailing to Kim's CRD address was returned marked, "Unclaimed."

11. Kim did not appear for the May 19, 2011 OTR date and she did not contact FINRA staff to reschedule or to otherwise explain that she was not available.

12. Kim was sent a second request on June 10, 2011, pursuant to Rule 8210 to appear for an OTR scheduled for June 30, 2011.

13. The request was sent by first class mail and by certified mail, return receipt requested, to both her CRD address where the first request was mailed, as well as the two other addresses that staff obtained.

14. The first class mailings were not returned to staff and the certified mailing to her CRD address and one of the other addresses were returned marked "Unclaimed."

15. On June 30, 2011, the date of the OTR as stated in the Rule 8210 letter, Kim failed to appear at FINRA's Chicago office for the on the record interview.

16. Kim did not contact staff or provide staff with an explanation for her failure to appear and she did not request a rescheduled date for her testimony.

17. As a result of the foregoing conduct, Kim violated FINRA Rules 8210 and 2010.

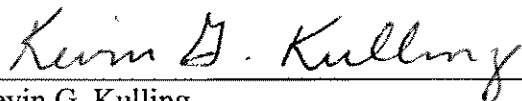
RELIEF REQUESTED

WHEREFORE, the Department respectfully requests that the Panel:

- A. make findings of fact and conclusions of law that Respondent committed the violations charged and alleged herein;
- B. order that one or more of the sanctions provided under FINRA Rule 8310(a), including monetary sanctions, be imposed;
- C. order that 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: November 6, 2012


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