

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 201002367110/**

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

RE: Edwin Osvaldo Gerena, Respondent
CRD No. 4887362

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Respondent submits 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 him alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. Respondent hereby accepts and consents, 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

Respondent Edwin Osvaldo Gerena ("Gerena") entered the securities industry in December 2004 when he became a general securities representative (Series 7) at JP Turner and Co., LLC (CRD No. 43177). In April 2005, he transferred to Washington Mutual Financial Services, Inc. (CRD No. 599), also as a general securities representative, and worked there until November 2006. Between December 2006 and June 2008, Gerena did not work in the securities industry. In July 2008 he associated with Wells Fargo Advisors, LLC (CRD No. 19616) as a general securities representative and simultaneously worked as a Personal Banker at that firm's affiliate, Wachovia Bank ("the bank affiliate"). Gerena was terminated on July 8, 2010, and is currently not employed in the securities industry. FINRA retains jurisdiction through July 7, 2012, pursuant to Article V, Section 4 of the FINRA By-laws.

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RELEVANT DISCIPLINARY HISTORY

Gerena has no prior disciplinary history.

OVERVIEW

During the period of June 22, 2010, through July 8, 2010 ("the relevant period"), Gerena violated FINRA Rule 2010 by converting \$1,500 from two bank customers, intending to use the funds for his own purposes.

FACTS AND VIOLATIVE CONDUCT

During the relevant period, Gerena was associated with a member firm and worked as a Personal Banker at the Gastonia, North Carolina branch of the member firm's bank affiliate. Gerena's duties consisted of opening bank accounts, calling leads, advising on deposit and withdrawal transactions, making referrals to financial advisors, and handling walk-in customer traffic. Gerena worked in a semi-enclosed office in the bank lobby.

On June 22, 2010, customer E.R. came to the branch where Gerena worked in order to consolidate multiple checking accounts. She met with Gerena and expressed difficulty in managing the different accounts and tracking her account balances. She instructed Gerena to transfer the full balance of one account over to the remaining account, thereby consolidating the accounts.

Gerena noted that E.R. was unaware of the balances in her accounts. Appearing to comply with E.R.'s request, Gerena liquidated and closed one of the accounts by filling out a withdrawal ticket on that account for the full balance, which was then signed by E.R. Gerena then wrote out a deposit slip for \$800 less than the full amount withdrawn. He altered the deposit slip to falsely reflect that E.R. had withdrawn \$800 as a cash back withdrawal at the time of the deposit. Gerena left E.R. in his office, crossed the building to the teller counter and instructed the teller to effect the transaction, including \$800 cash back. The cash back was delivered by the teller to Gerena in \$20 bills, which were contained in an envelope. Gerena pocketed the envelope, delivered a transfer receipt to E.R., and placed the envelope in his desk drawer, converting the funds for his own personal use. E.R. was unaware of the withdrawal and did not consent to it.

On June 28, 2010 Gerena received a telephone call from L.C., a Personal Banker who had met with bank customer E.R. at a different branch of the bank affiliate. L.C. questioned Gerena about the \$800 withdrawal and reversed the consolidation transaction. Gerena then deposited the stolen \$800 back into E.R.'s account in an

attempt to mask his misconduct.

A little more than a week later, on July 7, 2010, Gerena converted another customer's funds. Customer S.L. came to the bank branch where Gerena worked and, like E.R., requested that Gerena help her consolidate multiple accounts. Like E.R., S.L. expressed difficulty in managing her multiple accounts and tracking her account balances. She instructed Gerena to transfer all account balances into a newly opened checking account, thereby consolidating the accounts. Gerena noted that S.L. was not aware of the balances in her various accounts. Gerena appeared to follow S.L.'s directions, but secretly prepared a deposit ticket to effect the account consolidations, less a \$700 cash back withdrawal. Gerena left S.L. in his office, crossed the building to the teller counter, and had the teller effect the transaction, including \$700 cash back. The cash back was delivered by the teller to Gerena in \$20 bills, which were contained in an envelope. Gerena pocketed the funds, returned to his office, and provided to S.L. a receipt, which she did not question. Gerena placed the \$700.00 into his desk drawer, converting the funds for his personal use. S.L. was unaware of this withdrawal and did not consent to it.

By virtue of the foregoing, Gerena violated FINRA Rule 2010 and failed to observe high standards of commercial honor and just and equitable principles of trade by converting \$1,500 in bank customer funds.

SANCTIONS

B. Respondent consents to the imposition of the following sanction:

To be permanently barred from associating with any FINRA registrant in any capacity.

Respondent understands that if he is barred or suspended from associating with any FINRA member, he becomes 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, Respondent 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

Respondent specifically and voluntarily waives the following rights granted under FINRA's Code of Procedure:

- A. To have a Complaint issued specifying the allegations against him;
- 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, Respondent specifically and voluntarily waives 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.

Respondent further specifically and voluntarily waives 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

Respondent understands 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 him; and

C. If accepted:

1. this AWC will become part of Respondent's permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against him;
2. this AWC will be made available through FINRA's public disclosure program in response to public inquiries about Respondent's 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. Respondent 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. Respondent 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 Respondent's right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.

Respondent certifies that he has read and understands all of the provisions of this AWC and has been given a full opportunity to ask questions about it; that he has 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 him to submit it.

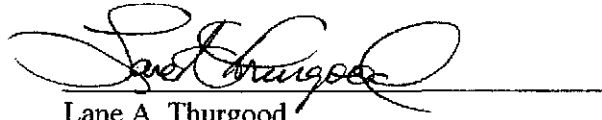
12/20/10
Date

Edwin O. Gerena
Edwin O. Gerena
Respondent

Accepted by FINRA:

January 12, 2011
Date

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

A handwritten signature in cursive script, appearing to read "Lane A. Thurgood", is written over a horizontal line.

Lane A. Thurgood
Director, Enforcement Center
FINRA Department of Enforcement
1801 K Street NW, Suite 800
Washington, DC 20006