

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 20110264559**

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

RE: John Stuart Kuhn, Sr.
(CRD No. 2849186)

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, John Stuart Kuhn, Sr. ("Respondent"), submit 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 me alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. I hereby accept and consent, 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 was born in [REDACTED] Respondent entered the securities industry in April 1997 when he became employed as a registered representative with a FINRA member firm. He remained there until July 2009 when he became employed as a registered representative with Ameriprise Financial Services, Inc. ("Ameriprise" or the "Firm"), a FINRA member firm.

On February 18, 2011, Enforcement received a Uniform Termination for Securities Industry Registration ("Form U5") from Ameriprise, which reported that Kuhn's employment with the Firm was terminated on February 18, 2011, due to statutory disqualification by FINRA. Since that time, Kuhn has not been employed in a registered capacity with a FINRA-regulated entity.

Pursuant to Article IV, Section 4, of the FINRA By-Laws, FINRA retains jurisdiction over Kuhn until at least February 17, 2013.

RELEVANT DISCIPLINARY HISTORY

Respondent has no relevant disciplinary history.

OVERVIEW

On July 2, 2009, Kuhn completed, signed and submitted an initial Uniform Application for Securities Industry Registration or Transfer ("Form U4") for employment with Ameriprise. Kuhn failed to disclose on his initial Form U4 that he was charged with the misdemeanor offense of Making False Report in May 2009 in St. Charles, Missouri.

FACTS AND VIOLATIVE CONDUCT

FINRA By-Laws, Article V, Section 2(c) require reporting of certain disclosable events involving registered representatives, including criminal matters, on Form U4s. Additionally, FINRA Rule 2010 states that "a member, in the conduct of its business, shall observe high standards of commercial honor and just and equitable principles of trade" and NASD IM-1000-1 states:

The filing with the Association of information with respect to membership or registration as a Registered Representative which is incomplete or inaccurate so as to be misleading, or which could in any way tend to mislead, or the failure to correct such filing after notice thereof, may be deemed to be conduct inconsistent with just and equitable principles of trade and when discovered may be sufficient cause for appropriate disciplinary action.

On or about May 1, 2009, Respondent was charged with one count of Making False Report, a class B misdemeanor, in violation of Missouri Revised Statutes Section 575.080. The charging document stated that on or about May 30, 2008, in the county of St. Charles, Missouri, Respondent knowingly made a false report to a police officer that a theft of an automobile had occurred when it had not. On June 25, 2009, a Judgment and Sentence was filed by the Circuit Court of St. Charles, Missouri, indicating that Respondent entered a guilty plea to the charge of Making False Report. The judge ordered that Respondent receive a suspended imposition of sentence, which under Missouri law is not a final judgment. The matter was dismissed subsequently after Respondent complied with certain conditions of his plea.

On July 2, 2009, Respondent completed, signed and submitted an initial Form U4 to Ameriprise. Question 14B(1) of the Form U4 asked the following: "Have you ever: (a) been convicted of or pled guilty. . . in a domestic, foreign or military court to a misdemeanor involving: **false statements**, or omissions...or (b) **been charged with** a misdemeanor specified in 14B(1)(a)." (Emphasis added.) Respondent answered "No" to both questions, failing to disclose that he was charged in May 2009 with Making False Report, a misdemeanor involving a false statement as delineated in Question 14B(1)(a).

Accordingly, Respondent violated FINRA Rule 2010, FINRA By-Laws, Article V Section 2(c) and NASD IM-1000-1 by failing to disclose a misdemeanor charge involving making false statements on his Form U4 submitted to the Firm.

B. I also consent to the imposition of the following sanctions:

A 30-day suspension from association with any member in any capacity, and a \$5,000 fine.

The fine shall be due and payable either immediately upon reassociation with a member firm following the 30-day suspension noted above, or prior to any application or request for relief from any statutory disqualification resulting from this or any other event or proceeding, whichever is earlier.

I specifically and voluntarily waive any right to claim that I am unable to pay, now or at any time hereafter, the monetary sanction(s) imposed in this matter.

The sanctions imposed herein shall be effective on a date set by FINRA staff.

II.

WAIVER OF PROCEDURAL RIGHTS

I specifically and voluntarily waive the following rights granted under FINRA's Code of Procedure:

- A. To have a Complaint issued specifying the allegations against me;
- 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, I specifically and voluntarily waive 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.

I further specifically and voluntarily waive 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

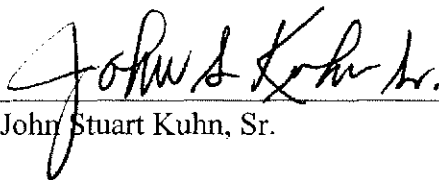
I understand that:

- 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 me; and
- C. If accepted:
 - 1. this AWC will become part of my permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against me;
 - 2. this AWC will be made available through FINRA's public disclosure program in response to public inquiries about my 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. I 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. I 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 my right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.
- D. I may attach a Corrective Action Statement to this AWC that is a statement of

demonstrable corrective steps taken to prevent future misconduct. I understand that I may not deny the charges or make any statement that is inconsistent with the AWC in this Statement. This Statement does not constitute factual or legal findings by FINRA, nor does it reflect the views of FINRA or its staff.

I certify that I have read and understand all of the provisions of this AWC and have been given a full opportunity to ask questions about it; that I have 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 me to submit it.

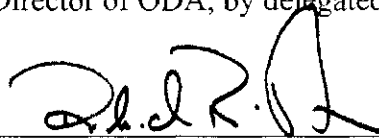
2-10-12
Date


John Stuart Kuhn, Sr.

Accepted by FINRA:

2-24-12
Date

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


Richard R. Best
Chief Counsel
FINRA Department of Enforcement
14 Wall Street, 14th Floor
New York, New York, 10005
(646) 315-7308