

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

DEPARTMENT OF ENFORCEMENT,

COMPLAINANT,

V.

ERIKA M. HOLMES
(N/K/A ERIKA M. MCAULIFFE),
CRD No. 4923057

RESPONDENT.

DISCIPLINARY PROCEEDING
No. 2011027274701

Hearing Officer - RLP

**ORDER ACCEPTING OFFER OF
SETTLEMENT**

Date: December 4, 2012

INTRODUCTION

Disciplinary Proceeding No. 20110272747 was filed on September 28, 2012 by the Department of Enforcement of the Financial Industry Regulatory Authority (FINRA) (Complainant). Respondent Erika M. Holmes (Respondent) submitted an Offer of Settlement (Offer) to Complainant dated November 7, 2012. 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 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

On May 11, 2005, Respondent first became registered with FINRA as an Investment Company and Variable Contracts Products Representative. From August 29, 2006 to April 12, 2011, Respondent was registered in that capacity through Goldman, Sachs & Co. (Firm). On September 25, 2007, Respondent first became registered with FINRA as a General Securities Representative and was registered in that capacity through the Firm until April 12, 2011.

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 (1) the Complaint was filed within two years after the effective date of termination of her registration with the Firm, namely, April 12, 2011; and (2) the Complaint charges her with misconduct committed while she was registered or associated with a FINRA member.

FINDINGS AND CONCLUSIONS

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

SUMMARY

1. Respondent copied Customer TJ's signature from an existing document and affixed it to the customer's new IRA deposit account application without the customer's authorization or consent. She then submitted that document for processing. This conduct violated FINRA Rule 2010.

Failure to Observe Standards of Commercial Honor and Principles of Trade
(FINRA Rule 2010)

2. During her tenure at the firm, Respondent worked as a Wealth Management Professional in its Private Wealth Management Division. As part of her duties, Respondent assisted customers in opening accounts of various types.
3. In March 2011, Respondent was assisting Customer TJ open a new IRA account. During the account opening process, Customer TJ twice faxed to Respondent an incomplete application lacking all the necessary signatures. Accordingly, as of March 11, 2011, the application was still missing Customer TJ's signature in one place.
4. Rather than send the application back to the customer, however, Respondent, without TJ's authorization or consent, copied his signature from a properly executed document and placed it on the form. Later on March 11, 2011, Respondent submitted that application to the Firm for processing.
5. By transposing a customer's signature on a document without the customer's authorization or consent, and then submitting that document for processing, Respondent violated FINRA Rule 2010.

Based on the foregoing, Respondent violated FINRA Rule 2010.

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 fined \$5,000 and suspended from association with any FINRA member in any capacity for one month.

The fine shall be due and payable either immediately upon reassociation with a member firm following the one-month 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.

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

SO ORDERED.

FINRA

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

A handwritten signature in black ink, appearing to read "Paul D. Taberner", is written over a horizontal line.

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