

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

TIARA MONIQUE JONES
(CRD No. 5366042),

Respondent.

Disciplinary Proceeding
No. 2011029429001

Hearing Officer – LBB

DEFAULT DECISION

Dated: April 8, 2013

For misappropriation of funds, in violation of FINRA Rule 2010, Respondent is barred from associating with any FINRA member firm in any capacity. Respondent is also barred for failing to appear and testify at two on-the-record interviews, in violation of FINRA Rules 8210 and 2010. In light of the bars, no additional sanction is imposed for willfully filing a false Form U4, failing to update her Form U4, and filing false Form U4 amendments. Respondent is statutorily disqualified for the Form U4 violations.

Appearances

Gary A. Carleton, Esq., Rockville, Maryland, for the Department of Enforcement.

No appearance by or for Respondent.

DECISION

The Department of Enforcement (“Enforcement”) filed the three-cause Complaint in this disciplinary proceeding on November 16, 2012. The First Cause of Action charges Respondent Tiara Monique Jones with misappropriation of funds. The Second Cause of Action charges Respondent with falsely denying on her Uniform Application for Securities Industry Registration or Transfer (Form U4) that there were unsatisfied judgments against her, and that she had filed a bankruptcy petition, and failing to update her Form U4 to report these events. The Third Cause of Action charges Respondent with failing to appear and testify at two on-the-record interviews

("OTRs"). Despite being properly served with the Complaint, Notice of Complaint, and Second Notice of Complaint, Respondent has not filed an Answer or otherwise responded to the Complaint.

On February 13, 2013, Enforcement filed a Motion for Entry of a Default Decision. Respondent did not file a response to Enforcement's motion. For the reasons set forth below, Enforcement's motion is granted. Accordingly, pursuant to FINRA Rules 9215(f) and 9269, the allegations of the Complaint are deemed admitted.¹

I. Respondent

Respondent first registered with FINRA in 2007. She was registered as a General Securities Representative with Chase Investment Services Corp. ("CISC") from May 2008 until August 17, 2009, and again from September 10, 2009, until September 21, 2011. CISC filed a Uniform Termination Notice for Securities Industry Registration (Form U5) on September 21, 2011, notifying FINRA that Respondent had resigned while under investigation for withdrawing \$1,000 from two clients' joint bank account without their consent, and later depositing the funds back into the account. CX-1.²

Respondent 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 termination of her registration with a member firm, and it charges her with misconduct while she was associated with a member firm and with failing to respond to a Rule

¹ The factual determinations in this decision are based on the allegations of the attached Complaint and the materials Enforcement filed with its default motion, which included the Declaration of Gary A. Carlton in Support of Motion for Entry of Default Decision, and supporting documentation that was attached to counsel's Declaration. Counsel's Declaration is cited herein as "Decl. ¶ __." The supporting documentation is cited as "CX-__."

² Enforcement commenced the investigation that led to the filing of the Complaint as a result of CISC's filing of the Form U5. Decl. ¶ 13.

8210 request for information that was served within two years after the termination of her registration with a member firm.

II. Respondent's Default

On November 16, 2012, Enforcement served Respondent with the Complaint and Notice of Complaint by certified and first-class mail at her residential address as disclosed in the Central Registration Depository ("CRD"). Respondent signed and returned the receipt card attesting to her receipt of the certified mailing. Decl. ¶¶8, 9. Enforcement served the Second Notice of Complaint, First Notice of Complaint, and Complaint on Respondent by certified and first-class mail at her CRD address on December 19, 2012. The Postal Service delivered the second certified mailing to Respondent on December 24, 2012. Complaint ¶¶ 10-11.

Despite being properly served with the Complaint, Notice of Complaint, and Second Notice of Complaint, Respondent has not answered or otherwise responded to the Complaint. By failing to file a response, she defaulted.

III. First Cause of Action: Respondent Violated FINRA Rule 2010 by Misappropriating Funds

The First Cause of Action charges Respondent with misappropriating funds from two customers of J.P. Morgan Chase Bank, N.A. ("Chase Bank"), by withdrawing \$1,000 from their joint Chase Bank checking account without their knowledge or consent, thereby violating FINRA Rule 2010. Complaint ¶ 1.

On August 25, 2011, Respondent assisted Chase Bank customers P.S. and C.S., a husband and wife, with the purchase of a \$50,000 fixed annuity, at the Chase Bank branch where she worked. Complaint ¶¶ 1, 7. At Respondent's direction, P.S. and C.S. each signed separate blank withdrawal slips for their joint Chase Bank checking account. Complaint ¶ 8. Respondent filled in the date, customer name, amount, and account number on the withdrawal slip signed by

P.S. She used that slip to process the annuity transaction. Complaint ¶ 9. Respondent also filled in the date, customer name, and account number on the withdrawal slip signed by C.S., and filled in a withdrawal amount of \$1,000. Complaint ¶ 10. Respondent used the withdrawal slip signed by C.S. to withdraw \$1,000 from the customers' joint bank account without their knowledge or consent. Complaint ¶ 11. The next day, Respondent's branch manager informed her that P.S. and C.S. had complained to Chase Bank about the unauthorized withdrawal of \$1,000. Complaint ¶ 13. Respondent then created a deposit slip in P.S.'s name and deposited \$1,000 into P.S. and C.S.'s joint bank account. Complaint ¶ 14.

These allegations, which are deemed admitted, are sufficient to establish, for purposes of this default decision, that Respondent violated FINRA Rule 2010 by misappropriating the funds of customers of Chase Bank. Misappropriation or conversion of funds violates FINRA Rule 2010.³

IV. Second Cause of Action: Willful Failure to Disclose Material Information and to Update Forms U4

The Second Cause of Action charges Respondent with willfully failing to disclose material information on her Form U4, and failing to update her Form U4.

A. Respondent Violated FINRA Rule 2010 by Filing a False Form U4 and False Amendments to her Form U4, and Failing to Update Her Form U4

Article V, Section 2 of FINRA's By-Laws requires that persons who apply for registration with FINRA must provide "such ... reasonable information with respect to the applicant as [FINRA] may require." Applicants must complete a Form U4 disclosing, among

³ *John M. Saad*, Exchange Act Rel. No. 62178, 2010 SEC LEXIS 1761 (May 26, 2010), *appeal docketed*, No. 10-1195 (D.C. Cir. July 22, 2010) (barred for misappropriation of member firm's funds by submitting false expense reports); *Dist. Bus. Conduct Comm. v. Vail*, No. C06920051, 1994 NASD Discip. LEXIS 192, at *13 (N.B.C.C. Sept. 22, 1994), *aff'd*, 52 S.E.C. 339, 342 (1995), *aff'd*, 101 F.3d 37 (5th Cir. 1996) (barred for conversion of funds of private political club); *Daniel D. Manoff*, Exchange Act Rel. No. 46708, 2002 SEC LEXIS 2684 (Oct. 23, 2002) (barred for unauthorized use of co-worker's credit card numbers).

other things, information concerning unsatisfied judgments and bankruptcy filings. Article V, Section 2(c) of FINRA's By-Laws requires that associated persons keep their Forms U4 "current at all times by supplementary amendments," which must be filed "not later than 30 days after learning of the facts or circumstances giving rise to the amendment." FINRA and member firms use the Form U4 to screen applicants and evaluate their fitness to be in the securities industry.⁴ The Form U4 information is also useful for members of the public in determining to whom to entrust their investment funds.⁵ Submitting a Form U4 that is inaccurate or incomplete so as to be misleading, or failing to file an amendment to make the Form U4 accurate, may be deemed conduct inconsistent with just and equitable principles of trade.⁶

On January 12, 2009, August 17, 2009, and September 3, 2009, separate judgments were entered against Respondent by three creditors. Complaint ¶ 20. On or about May 24, 2010, Respondent filed for Chapter 7 bankruptcy in Bankruptcy Court of the Northern District of Illinois. She was discharged from bankruptcy on September 28, 2010. Complaint ¶ 21. The three judgments against Respondent were unsatisfied between the dates on which they were issued and the date on which Respondent's debts were discharged in bankruptcy. Complaint ¶ 22.

On September 10, 2009, CISC filed a relicense Form U4 on Respondent's behalf. She amended her Form U4 three times between November 2009 and August 2010. Complaint ¶ 24;

⁴ See *Dep't of Enforcement v. Amundsen*, No. 2010021916601, 2012 FINRA Discip. LEXIS 54 (N.A.C. Sept. 20, 2012), *appeal docketed*, SEC Dkt. No. 3-15056; *Richard A. Neaton*, Exchange Act Rel. No. 65598, 2011 SEC LEXIS 3719, at *16 (Oct. 20, 2011); *Jason A. Craig*, Exchange Act Rel. No. 59137, 2008 SEC LEXIS 2844, at *8 (Dec. 22, 2008); *Dep't of Enforcement v. Kaweske*, No. C07040042, 2007 NASD Discip. LEXIS 5, at *33 (N.A.C. Feb. 12, 2007) (citing *Rosario R. Ruggiero*, 52 S.E.C. 725, 728 (1996)).

⁵ Much of the Form U4 information is available to the public on FINRA's BrokerCheck database. *Robert D. Tucker*, Exchange Act Rel. No. 68210, 2012 SEC LEXIS 3496, at *26 (Nov. 9, 2012).

⁶ See *Dep't of Enforcement v. Amundsen*, 2012 FINRA Discip. LEXIS 54, at *8; *Scott Mathis*, Exchange Act Rel. No. 61120, 2009 SEC LEXIS 4376, at *16 (Dec. 7, 2009), *aff'd sub nom.*, *Mathis v. SEC*, 671 F.3d 210 (2d Cir. 2012).

CX-1. Question 14M of the Form U4 asks, “Do you have any unsatisfied judgments or liens against you?” Respondent did not amend her Form U4 within 30 days of the entry of the three judgments against her to report the unsatisfied judgments. Complaint ¶ 23. Respondent answered Question 14M falsely on each of the four Form U4 filings, answering “No” each time. Complaint ¶ 24.⁷

Question 14K of the Form U4 asks, “Within the past 10 years: (1) have you made a compromise with creditors, filed a bankruptcy petition or been the subject of an involuntary bankruptcy petition?” Respondent did not update her Form U4 within thirty days of the filing of her petition in bankruptcy to report the petition. Complaint ¶ 23. In addition, from July 2010 until March 2011, while Respondent was registered with CISC, Respondent amended her Form U4 seven times, and falsely answered “No” to question 14K on each of the amended forms. Complaint ¶ 25.

These allegations, which are deemed admitted, are sufficient to establish, for purposes of this default decision, that Respondent violated FINRA Rule 2010 by filing a false relicense Form U4, false amendments to her Form U4, and by failing to update her Form U4.

B. Respondent Is Statutorily Disqualified

A person is subject to a statutory disqualification under Article III, Section 4 of FINRA’s By-Laws and Exchange Act Section 3(a)(39)(F) if she:

has willfully made or caused to be made in any application . . . to become associated with a member of . . . a self-regulatory organization, [or] report to be filed with a self-regulatory organization . . . any statement which was at the time, and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, or has omitted to state in any such application, report, or proceeding any material fact which is required to be stated therein.⁸

⁷ Respondent did not disclose any of the unsatisfied judgments to CISC. Complaint ¶ 27.

⁸ 15 U.S.C. § 78c(a)(39)(F).

A violation is willful if “the person charged with the duty knows what he is doing.”⁹ “A willfulness finding is predicated on [a person’s] intent to commit the act that constitutes the violation--completing the Form U4 inaccurately.”¹⁰ To find that Respondent’s actions were willful, Enforcement needs to establish only that Respondent voluntarily provided false answers on her Forms U4.¹¹

Respondent’s conduct was clearly willful. She filed a Form U4 and amendments to her Form U4 that contained false information, and failed to update her Form U4 while she knew of the judgment liens and bankruptcy petition. Respondent is statutorily disqualified.

V. Third Cause of Action: Respondent Violated FINRA Rules 8210 and 2010 by Failing to Appear and Testify at On-the-Record Interviews After Receiving Rule 8210 Requests

The Third Cause of Action charges Respondent with twice failing to appear and testify at OTRs after being served with Rule 8210 requests to appear and testify.

Enforcement served Respondent with a Rule 8210 request on May 22, 2012, directing her to appear and testify at an OTR on June 19, 2012. Respondent received the request, but did not appear for the OTR. Complaint ¶¶ 32-35. Enforcement served a second Rule 8210 request on Respondent on June 22, 2012, by certified and first-class mail, directing her to appear and testify at an OTR on July 17, 2012. Complaint ¶¶ 36-37. The Postal Service returned the certified mailing to Enforcement after Respondent did not respond to a Postal Service notice of attempted delivery, but did not return the first-class mailing. Respondent did not appear and testify on July 17, 2012. Complaint ¶¶ 38-40.

⁹ *Wonsover v. SEC*, 205 F.3d 408, 414 (D.C. Cir. 2000).

¹⁰ *Dep’t of Enforcement v. Zdzieblowski*, No. C8A030062, 2005 NASD Discip. LEXIS 3, at *14 (N.A.C. May 3, 2005).

¹¹ *See Mathis v. SEC*, 671 F.3d 210, 216 (2d. Cir. 2012).

These allegations, which are deemed admitted, are sufficient to establish, for purposes of this default decision, that Respondent failed to appear and testify at two OTRs despite being properly served with Rule 8210 requests, in violation of FINRA Rule 8210. A violation of FINRA Rule 8210 is also a violation of FINRA Rule 2010.¹²

VI. Sanctions

The Hearing Officer imposes separate bars for the misappropriation and Rule 8210 violations that are set forth in the First and Third Causes of Action. In light of the bars, no additional sanction is imposed for Respondent's Form U4 violations, set forth in the Second Cause of Action, but Respondent is statutorily disqualified for this violation, as noted above.

Respondent misappropriated \$1,000 from two customers of Chase Bank, returning the funds only after she was caught. For the purposes of sanctions, Respondent's misappropriation of funds from bank customers was equivalent to conversion. Her misconduct conduct involved "an intentional and unauthorized taking of and/or exercise of ownership over property by one who neither owns the property nor is entitled to possess it."¹³ For conversion, FINRA's Sanction Guidelines recommend a bar regardless of the amount converted.¹⁴ There are no mitigating factors. Respondent is barred for misappropriating funds from Chase Bank customers.

¹² *Dep't of Enforcement v. Hoeper*, No. C02000037, 2001 NASD Discip. LEXIS 37, at *5 (N.A.C. Nov. 2, 2001) (violation of NASD Procedural Rule 8210 was a violation of NASD Conduct Rule 2110).

¹³ FINRA Sanction Guidelines 36, n.2 (2011); see, e.g., *Dep't of Enforcement v. Evans*, No. 2006005977901, 2011 FINRA Discip. LEXIS 36, at *34 (N.A.C. Oct. 3, 2011) (stating that misappropriation has been defined as the "unauthorized, improper, or unlawful use of funds ... for [a] purpose other than that for which intended." quoting *Black's Law Dictionary* 998 (6th ed.), and citing *Dist. Bus. Conduct Comm. v. Pinchas*, No. C1093001, 1998 NASD Discip. LEXIS 59, at *17-18 (N.A.C. June 12, 1998)). Regardless of the label, the Complaint fully informs Respondent of the charges against her, and Enforcement's default motion clearly states that Enforcement is seeking a bar. Had Respondent chosen to defend, she would have been "adequately aware of the issues in controversy and the potential sanctions involved." *John M.E. Saad*, Exchange Act Rel. No. 62178, 2010 SEC LEXIS 1761, at *17 (May 26, 2010) *appeal docketed*, No. 10-1195 (D.C. Cir. July 23, 2010).

¹⁴ *FINRA Sanction Guidelines* 36 (2011).

Enforcement is not seeking restitution because Respondent returned the \$1,000 to the customers by depositing the funds into their joint bank account.

For a complete failure to respond to a request for information pursuant to FINRA Rule 8210, a bar is standard.¹⁵ Here, Respondent failed to appear and testify at two OTRs. There are no mitigating factors. Respondent is barred for violating Rules 8210 and 2010.

VII. Conclusion

For misappropriation of funds, in violation of FINRA Rule 2010, Respondent Tiara Monique Jones is barred from associating with any FINRA member firm in any capacity. Respondent is also barred for failing to appear and testify at two on-the-record interviews, in violation of FINRA Rules 8210 and 2010. In light of the bars, no additional sanction is imposed for Respondent's willful filing of a false Form U4, failure to update her Form U4, and filing false Form U4 amendments. However, Respondent is statutorily disqualified for the Form U4 violations.

The bars will be effective immediately if this decision becomes FINRA's final disciplinary action in this proceeding.


Lawrence B. Bernard
Hearing Officer

Copies to: Tiara Monique Jones (*via overnight courier and first-class mail*)
 Gary A. Carleton, Esq. (*via email and first-class mail*)
 Jennifer Schulp, Esq. (*via email*)
 Susan Schroeder Esq. (*via email*)

¹⁵ *Id.* at 33.

FINANCIAL INDUSTRY REGULATORY AUTHORITY

OFFICE OF HEARING OFFICERS

Department of Enforcement,

Complainant,

v.

Tiara Monique Jones
(CRD No. 5366042),

Respondent.

DISCIPLINARY PROCEEDING
No. 2011029429001

COMPLAINT

The Department of Enforcement (the "Department") alleges:

SUMMARY

1. On August 25, 2011, while Respondent Tiara Monique Jones ("Jones") was registered with Chase Investments Services Corp. ("CISC" or "the Firm"), Jones misappropriated funds from J.P. Morgan Chase Bank, N.A. ("Chase bank") retail banking customers P.S. and C.S. (a husband and wife), by withdrawing \$1,000 from their joint Chase bank account, without their knowledge or consent. By virtue of this conduct, Jones violated FINRA Rule 2010.

2. Between January 12, 2009 and September 3, 2009, while Jones was registered with CISC, Jones was the subject of three unsatisfied judgments by creditors in the state of Illinois. On May 24, 2010, while Jones was registered with CISC, Respondent also filed a voluntary petition for bankruptcy protection under Chapter 7 of the Bankruptcy Code. Jones willfully failed to disclose these material facts on her Form U4, and to timely amend her Form

U4 to disclose these facts, in violation of Article V, Section 2(c) of the FINRA By-Laws and FINRA Rules 1122 and 2010.

3. On May 22, 2012 and July 17, 2012, the Department made two requests that Jones appear and provide on-the-record testimony pursuant to FINRA Rule 8210. Jones failed to appear, thereby violating FINRA Rules 8210 and 2010.

RESPONDENT AND JURISDICTION

4. Jones became registered as a General Securities Representative (Series 7) with CISC in May 2008. She remained registered with CISC until the filing of a Form U5 on September 21, 2011. During the period when Jones was registered with CISC, she was a dual employee of CISC and Chase bank.

5. 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) this Complaint was filed within two years after the effective date of termination of Jones's registration with CISC, namely September 21, 2011; and (2) this Complaint charges Jones with misconduct committed while she was registered 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 with a FINRA member.

**FIRST CAUSE OF ACTION
Misappropriation of Funds
(Violation of FINRA Rule 2010)**

6. The Department re-alleges and incorporates by reference paragraphs 1 through 5 above.

7. On August 25, 2011, Jones assisted Chase banking customers P.S. and C.S. with the purchase of a \$50,000 fixed annuity at the Chase bank branch located at 11721 South Halsted, Chicago, Illinois 60628 (the "South Halsted Branch").

8. At Jones' direction, P.S. and C.S. each signed separate blank withdrawal tickets for their joint Chase bank checking account.

9. Jones filled in the date, customer name, amount, and account number on the withdrawal slip signed by P.S. She used that slip to process the annuity transaction.

10. Jones also filled in the date, customer name, and account number on the withdrawal slip signed by C.S. and filled in a withdrawal amount of \$1,000.

11. Thereafter, on August 25, 2011, Jones used that slip to withdraw \$1,000 in cash from P.S. and C.S.'s joint Chase bank account, without their knowledge or consent.

12. On August 26, 2011, P.S. and C.S. complained to the South Halstead Branch Manager about the unauthorized withdrawal of \$1,000 from their account.

13. On August 26, 2011, the South Halstead Branch Manager informed Jones that customers P.S. and C.S. had complained to Chase bank about the unauthorized withdrawal of \$1,000.

14. Thereafter, on August 26, 2011, Jones filled in the date, customer P.S.'s name (spelled incorrectly), amount, and account number on a deposit slip and used that slip to deposit \$1,000 into P.S. and C.S.'s bank account.

15. As a result of the foregoing conduct, Jones violated FINRA Rule 2010.

SECOND CAUSE OF ACTION

Willful Failure to Disclose Material Information and to Update Form U4s (Article V, Section 2(c) of the FINRA By-Laws and FINRA Rules 1122 and 2010)

16. The Department re-alleges and incorporates by reference paragraphs 1 through 15 above.

17. During all relevant times, the Form U4 Uniform Application for Securities Industry Registration or Transfer ("Form U4") contained the following question: "14K. Within the past 10 years: (1) have you made a compromise with creditors, filed a bankruptcy petition or been the subject of an involuntary bankruptcy petition?"

18. During all relevant times, the Form U4 also contained the following question: "14M. Do you have any unsatisfied judgments or liens against you?"

19. Jones completed her initial Form U4 upon her employment with CISC on May 2, 2008.

20. On January 12, 2009, August 17, 2009, and September 3, 2009, separate judgments were entered against Jones by three creditors.

21. On or about May 24, 2010, Jones filed for bankruptcy under Chapter 7 in the U.S. Bankruptcy Court in the Northern District of Illinois. She was discharged from bankruptcy on September 28, 2010.

22. The three judgments against Jones went unsatisfied between their dates of issuance - January 12, 2009, August 17, 2009, and September 3, 2009, respectively - and discharge of the unsatisfied judgments in bankruptcy, on September 28, 2010.

23. Jones was obligated to amend her Form U4 within 30 days to report any judgments or liens and also any petition to file bankruptcy. Jones failed to initially amend her Form U4 to disclose the judgments within 30 days of each issuance and failed to amend her Form U4 within 30 days of filing her voluntary petition for bankruptcy protection.

24. On each of the following dates, September 10, 2009, November 16, 2009, July 7, 2010, and August 13, 2010, while registered at CISC, Jones filed amended Form U4's and answered "No" in response to Question 14M concerning whether there were any unsatisfied judgments against her.

25. On each of the following dates, July 7, 2010, August 13, 2010, October 22, 2010, December 22, 2010, February 8, 2011, February 23, 2011, and March 8, 2011 while registered at CISC, Jones amended her Form U4 and responded "No" to question 14K(1), failing to disclose her bankruptcy petition filed on or about May 24, 2010.

26. Jones's responses to her amended Form U4s specified in paragraphs 23, 24, and 25 above were false and inaccurate as to questions 14K (1) and 14M and failed to disclose material information.

27. On February 10, 2012, in a written response to a February 2, 2012 8210 request from Enforcement, Jones acknowledged that she did not disclose any of her unsatisfied monetary judgments to the Firm.

28. Jones further acknowledged in her February 10, 2012 8210 written response that she understood her obligation to disclose the unsatisfied judgments and her voluntary bankruptcy petition as they were reportable events.

29. Jones acted willfully in her failure to disclose material information on her Form U4s concerning her unsatisfied judgments and her voluntary bankruptcy petition.

30. The aforementioned acts, practices and conduct constitute separate and distinct violations of Article V, Sections 2 of FINRA By-Laws and FINRA Rules 1122 and 2010 by Jones.

**THIRD CAUSE OF ACTION
Failure to Appear and Provide On-the-Record Interviews
(FINRA Rules 8210 and 2010)**

31. The Department re-alleges and incorporates by reference paragraphs 1 through 30 above.

The Request for Appearance on June 19, 2012

32. On May 22, 2012, pursuant to FINRA Rule 8210, the Department requested that Jones appear for on-the-record testimony at 9:30 a.m. on Tuesday, June 19, 2012 at FINRA's offices, 15200 Omega Drive, 3rd Floor, Rockville, Maryland, in connection with an investigation being conducted by the Department.

33. The request to appear on June 19, 2012, was sent by regular first class and certified mail to Jones at the last known residential address as reflected on FINRA's Central Registration Depository ("CRD").

34. On or about June 1, 2012, Jones signed the certified mail return receipt card ("green card") for the May 22, 2012 request, acknowledging her receipt of the letter.

35. Jones failed to appear and provide on-the-record testimony on June 19, 2012, as required by the notice issued May 22, 2012. Jones did not contact the Department in any manner in connection with the request for her appearance.

The Request for Appearance on July 17, 2012

36. On June 22, 2012, pursuant to FINRA Rule 8210, the Department requested that Jones appear for on-the-record testimony at 9:30 a.m. on Tuesday, July 17, 2012 at FINRA's offices, 15200 Omega Drive, 3rd Floor, Rockville, Maryland, in connection with an investigation being conducted by the Department.

37. The request to appear on July 17, 2012, was sent by regular first class and certified mail to Jones at the last known residential address as reflected on FINRA's CRD.

38. The United States Postal Service ("USPS") attempted to deliver the certified mail copy of the June 22, 2012 request to Jones on or about June 28, 2012 and left notice for Jones at her CRD address. As of the filing of this Complaint, the USPS received no response to the notice from Jones and returned the certified mail envelope to the Department.

39. The first class mail copy of the June 22 request was not returned. Nor did Jones contact the Department in any manner concerning her appearance for her on-the-record testimony scheduled for July 17, 2012.

40. Jones failed to appear and provide on-the-record testimony on July 17, 2012, as required by the notice issued on June 22, 2012.

41. By virtue of the above, Jones violated FINRA Rules 8210 and 2010.

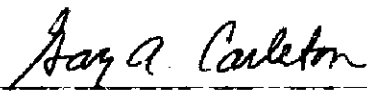
RELIEF REQUESTED

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;
- D. make specific findings that Respondent's conduct, as alleged in the Second Cause of Action, was willful; the omitted information was material; and, the omission to state material facts was on a Form U4 application.

FINRA DEPARTMENT OF ENFORCEMENT

Date: November 16, 2012



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