

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2011030221201**

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

RE: Wonnie Lynn Short, Respondent
Former Registered Representative
CRD No. 2243627

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Wonnie Lynn Short ("Short" or "Respondent") submit this Letter of Acceptance, Waiver and Consent ("AWC") for the purpose of proposing a settlement of the alleged rule violation 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

Short entered the securities industry in 1991. Between November 1996 and November 2011, Short was registered with Wells Fargo Advisors LLC (together with its predecessors, "Wells Fargo"). Subsequent to Wells Fargo, Short was registered with another FINRA member until he resigned in March 2016. He is not currently registered with a FINRA member, but remains subject to FINRA jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.

OVERVIEW

While Short was registered with Wells Fargo, one of his clients, JW, executed a will naming Short executor of her estate and leaving two-fifths of her residuary estate to him. When JW passed away in November 2008, Short was appointed executor. One of the assets held by JW at the time of her death was an annuity worth approximately \$102,000. Pursuant to a beneficiary designation form, 90% of the annuity was to go to a local charitable foundation, which was also a Wells Fargo customer, and 10% was to go to JW's estate. After Short submitted a claim form for the annuity, the annuity company sent JW's estate a check for the full amount of the proceeds from the annuity and all of the funds were deposited into the estate's account at Wells Fargo.

The charitable foundation did not receive its portion of the annuity, approximately \$92,000. As a result, when the residue of the estate was distributed, Short received more than \$30,000 in additional funds to which he was not entitled. When the foundation later asked Short about the annuity, he falsely stated that JW had removed the foundation as a beneficiary.

By failing to ensure that the foundation, a Wells Fargo customer, received the funds it was due from JW's annuity, and instead retaining the funds for JW's estate and, ultimately, his personal benefit, Short misused the funds in violation of NASD Rules 2330 and 2110 (for conduct occurring before December 15, 2008) and FINRA Rule 2010 (for conduct occurring on or after December 15, 2008).

FACTS AND VIOLATIVE CONDUCT

NASD Rule 2330 provides, in relevant part, that "[n]o member or person associated with a member shall make improper use of a customer's securities or funds."

In October 2006, while Short was registered with Wells Fargo, JW executed a will naming Short as executor. When JW passed away in November 2008, Short petitioned the court and was appointed executor of JW's estate. As executor, Short facilitated the payout on three of JW's annuities. On one of the annuities, JW's estate was a 10% beneficiary and a local foundation, which was also a Wells Fargo customer (but not a client of Short), was a 90% beneficiary.

Following JW's death, Short notified the foundation that it was a co-beneficiary on one of JW's annuities, sent the foundation the necessary paperwork to claim the money, and asked the foundation to return the paperwork to him at Wells Fargo. The foundation completed the paperwork and mailed it to Short as instructed.

On December 11, 2008, Short submitted to the annuity company a beneficiary claim form on behalf of JW's estate. On or around December 18, 2008, JW's estate received a check for 100% of the annuity's death benefit, rather than the 10% to which it was entitled. Short, who was serving as executor of JW's estate, did not return the check to the annuity company or request that it issue new checks to the estate and the foundation. Instead, the check was deposited into the estate's account at Wells Fargo and retained by the estate. As a result, JW's estate received approximately \$92,000 that should have gone to the foundation. As a residuary beneficiary of

Wright's estate, Short ultimately received two-fifths of that amount, more than \$30,000, to which he was not entitled.

When the foundation contacted Short several months later and asked about the annuity, Short falsely told the foundation that JW had removed the foundation as a beneficiary.

By failing to ensure that the foundation received the funds from Wright's annuity, Short misused the foundation's funds, in violation of NASD Rules 2330 and 2110 (for conduct occurring before December 15, 2008), and FINRA Rule 2010 (for conduct occurring on or after December 15, 2008).

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

- A bar from associating with any FINRA member in any capacity.

I understand that if I am barred or suspended from associating with any FINRA member, I become 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, I 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).

A bar or expulsion shall become effective upon approval or acceptance of this AWC.

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 Chief Legal Officer, 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 accordance with FINRA Rule 8313;
 - 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: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.

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.

4.22-16
Date (mm/dd/yyyy)


Wonnie Lynn Short, Respondent

Reviewed by:



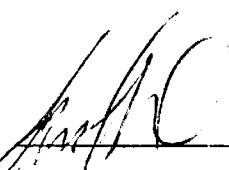
Joel R. Beck
Counsel for Respondent

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232 West Crogan Street, Suite C
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Lawrenceville, GA 30046
(678) 344-5342

Accepted by FINRA:

5/2/16
Date

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



James E. Day
Vice President and Chief Counsel
FINRA Department of Enforcement
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