

**FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA)
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

COMPLAINANT,

v.

**JOHAN MARY-LYN AKAL
(CRD No. 4050242)**

RESPONDENT.

DISCIPLINARY PROCEEDING
No. 2011030662501

FIRST AMENDED COMPLAINT

AMENDED COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. From December 2010 through September, 2011 (the "Relevant Period"), Johan Mary-Lyn Akal ("Akal" or "Respondent"), a licensed personal banker employed with SunTrust Bank (the "Bank"), violated FINRA Rule 2010 by misappropriating \$47,186.58 from a customer's account at the Bank.

2. Additionally, Akal violated FINRA Rules 8210 and 2010 by failing to respond to requests for information and testimony.

RESPONDENT AND JURISDICTION

3. Akal entered the securities industry in October 1999 as an investment representative with a FINRA regulated firm. In June 2000, Akal obtained a Series 6 registration. In February 2002, Akal joined SunTrust Investment Securities, Inc., a FINRA regulated firm, (the "Firm"), which held her securities registrations, and became employed as a licensed personal banker in

the Bank's Sarasota, Florida branch office. In December 2008 Akal obtained a Series 7 registration and in May 2009, she obtained Series 63 and 65 registrations.

4. In a Uniform Termination Notice for Securities Industry Registration ("Form U5") dated December 1, 2011, the Firm reported to FINRA that on November 2, 2011, Akal's employment had been terminated after she admitted to withdrawing funds from the accounts of two Bank clients without their authorization.

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) the Complaint was filed within two years after the effective date of termination of Respondent's registration with the Firm, namely, November 2, 2011, and (2) the Complaint charges her with misconduct committed while she was registered or associated with a FINRA member and with failing to respond to FINRA requests for information and on-the-record testimony during the two-year period after the date upon which she ceased to be registered or associated with a FINRA member.

FIRST CAUSE OF ACTION
CONVERSION OF BANK CUSTOMER'S FUNDS
(FINRA Rule 2010)

6. The Department realleges and incorporates by reference paragraphs 1 through 5 above.

7. FINRA Rule 2010 requires that registered representatives observe "high standards of commercial honor and just and equitable principles of trade."

8. During the Relevant Period, Akal, without permission or authority, forged SL's signature on Bank cash withdrawal slips and effected 29 cash withdrawals from SL's Bank account.

9. Akal did not have permission or authority from SL or the Bank to sign SL's name on the cash withdrawal slips or withdraw funds from SL's account.

10. By so doing, Akal converted for her own use and benefit \$47,186.58 from SL's Bank account.

11. On November 14, 2011, the Bank reimbursed \$47,186.58 to SL.

12. Akal violated FINRA Rule 2010 by misappropriating funds from SL's Bank account.

**SECOND CAUSE OF ACTION
FAILURE TO PROVIDE WRITTEN RESPONSES AND TESTIMONY
(FINRA RULES 8210 AND 2010)**

13. The Department realleges and incorporates by reference paragraphs 1 through 12 above.

14. FINRA Rule 8210(a)(1) requires "a member, person associated with a member, or person subject to the Association's jurisdiction to provide information orally, in writing, or electronically (if the requested information is, or is required to be, maintained in electronic form) and to testify at a location specified by Association staff, under oath or affirmation administered by a court reporter or a notary public if requested, with respect to any matter involved in the investigation, complaint, examination, or proceeding."

15. On April 23, 2012, pursuant to FINRA Rule 8210, FINRA sent an email to Akal, requesting that she provide a written response to allegations that she had misappropriated funds from Bank customer accounts. FINRA requested that Akal respond no later than May 7, 2012.

16. Akal did not respond to FINRA's April 23, 2012 information request.

17. On May 10, 2012, FINRA sent a letter by certified mail, return receipt requested and a copy by first class mail to Akal at her last residential address as reflected in the Central

Registration Depository (the “CRD Address”). The letter requested, pursuant to FINRA Rule 8210, that Akal appear and testify on Tuesday, June 5, 2012 at FINRA’s office at 200 Liberty Street, 12th floor in New York City. In the letter, Enforcement staff advised Akal that if the requested date and time for her testimony was inconvenient, she should contact Enforcement staff no later than Tuesday, May 22, 2012 to reschedule the proceeding to a mutually convenient time.

18. The letter further advised Akal that failure to testify as requested could expose her to sanctions, including a permanent bar from the securities industry.

19. By letter dated May 17, 2012, Akal responded to FINRA’s May 10, 2012 letter. Akal stated that she would not appear before FINRA at any time to give testimony and acknowledged that, pursuant to FINRA Rule 8210, her failure to cooperate would result in a permanent bar from the securities industry.

20. To date, Akal has not appeared before FINRA to provide testimony.

21. On May 21, 2012, FINRA sent a letter to Akal by first class and certified mail, return receipt requested and a copy by first class mail to the CRD Address. The letter requested, pursuant to Rule 8210, that Akal provide a written response to allegations that she had misappropriated funds from Bank customer accounts. The letter further advised Akal that she was required to respond no later than May 29, 2012 and that her failure to comply with the request could expose her to sanctions, including a permanent bar from the securities industry.

22. On May 29, 2012, Akal provided a written response to FINRA’s May 21, 2012 request for information. In the letter, Akal asserted that she was “declining to answer these or any other interrogatories” and acknowledged that, pursuant to FINRA Rule 8210, her failure to cooperate would result in a bar from the securities industry.

23. To date, Akal has not provided FINRA with written a response to the information requested in FINRA's May 21, 2012 information request.

24. Akal's failures to provide written responses and appear and testify as requested constitute a violation of FINRA Rules 8210 and 2010.

RELIEF REQUESTED

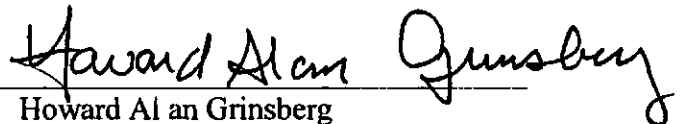
WHEREFORE, the Department respectfully requests that the Panel:

A. order that one or more of the sanctions provided under FINRA Rule 8310(a) including monetary sanctions, be imposed;

B. order that the Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with FINRA Rule 8330;

FINRA DEPARTMENT OF ENFORCEMENT

Date: September 5, 2012



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