

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 20120327883**

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

**RE:** Christopher L. Luther, Respondent  
Registered Representative  
CRD No. 4388483

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Christopher L. Luther submits 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 him alleging violations based on the same factual findings described herein.

**I.**

**ACCEPTANCE AND CONSENT**

- A. Christopher L. Luther ("Luther") hereby accepts and consents, 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**

Luther became employed with LPL Financial LLC ("LPL" or the "Firm") on April 17, 2001 in the Firm's Pittsburgh, Pennsylvania office. He became Series 7 and 63 registered on September 11, 2001 and April 24, 2001 respectively. LPL was Luther's first, and only, employer in the securities industry.

On May 31, 2012, FINRA received a Form U5 from the Firm reporting that Luther was discharged on May 21, 2012 for borrowing money from clients in violation of FINRA rules and Firm policy.

Although Luther is no longer registered or associated with a FINRA member, he 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 AWC is being filed less than two years after Luther's termination of employment with LPL and (2) the AWC relates to Luther's failure to provide information requested by FINRA during that period.

### **RELEVANT DISCIPLINARY HISTORY**

Luther does not have any prior disciplinary history in the securities industry.

### **OVERVIEW**

By letter dated June 15, 2012, pursuant to FINRA Rule 8210, Enforcement requested Luther, a former registered representative with LPL, to provide a signed written statement and other information relating to the termination of his registration with LPL. In a letter to Enforcement dated July 13, 2012, Luther's counsel advised that Luther would be pursuing another career path and saw "no reason to spend the time and financial resources necessary to respond to FINRA's information request." Luther did not provide the written statement requested by FINRA nor did he provide certain of the other information. As a result, Luther violated FINRA Rules 8210 and 2010.

### **FACTS AND VIOLATIVE CONDUCT**

FINRA Rule 8210(a)(1) authorizes FINRA to require persons associated with a member and others subject to its jurisdiction to provide documents, information and investigative testimony to FINRA in connection with, among other things, an investigation or examination. Rule 8210(c) requires those persons to comply with FINRA's requests.

FINRA Rule 2010 requires members and associated persons, in the conduct of their business, to "observe high standards of commercial honor and just and equitable principles of trade."

By letter dated June 15, 2012, Enforcement requested Luther to provide a signed written statement information relating to the termination of his registration with LPL for allegedly borrowing a total of \$42,250 from three Firm customers. Luther's response was due June 29, 2012.

On July 13, 2012, Luther's counsel advised FINRA that Luther would not be providing a written statement or certain other information in response to FINRA's request. To date, Luther has not provided the written statement or certain other requested information.

By failing to respond to FINRA's request for a written statement and certain other information pursuant to Rule 8210, Luther violated FINRA Rules 8210 and 2010.

B. Luther also consents to the imposition of the sanction of a bar.

Luther understands that if he is barred or suspended from associating with any FINRA member, he becomes 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, Luther 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).

The sanctions imposed herein shall be effective on a date set by FINRA staff. Pursuant to FINRA Rule 8313(e), a bar or expulsion shall become effective upon approval or acceptance of this AWC.

## **II.**

### **WAIVER OF PROCEDURAL RIGHTS**

Luther specifically and voluntarily waives the following rights granted under FINRA's Code of Procedure:

- A. To have a Complaint issued specifying the allegations against him;
- 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, Luther specifically and voluntarily waives 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.

Luther further specifically and voluntarily waives 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**

Luther understands that:

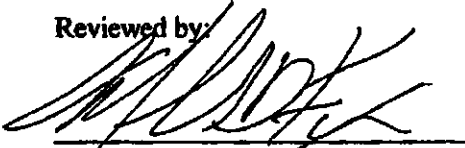
- A. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by the NAC, a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs ("ODA"), pursuant to FINRA Rule 9216;
- B. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against him; and
- C. If accepted:
1. this AWC will become part of his permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against him;
  2. this AWC will be made available through FINRA's public disclosure program in response to public inquiries about Luther's 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. Luther 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. Luther 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 Luther's right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.

Luther certifies that he has read and understands all of the provisions of this AWC and has been given a full opportunity to ask questions about it; that he has 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 him to submit it.

10-23-12  
Date

Chris J. Luther  
Christopher L. Luther, Respondent

Reviewed by:

Michael D. Fox

Counsel for Respondent

Strassburger McKenna Gutnick & Gefsky

Four Gateway Center – Suite 2200

444 Liberty Avenue

Pittsburgh, PA 15222

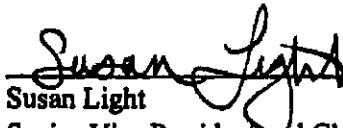
412-281-5423

Accepted by FINRA:

11/14/12  
Date

Signed on behalf of the

Director of ODA, by delegated authority

Susan Light

Senior Vice President and Chief Counsel

FINRA Department of Enforcement

One World Financial Center

200 Liberty Street

New York, New York 10281-1003

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