

FINANCIAL INDUSTRY REGULATORY AUTHORITY

OFFICE OF HEARING OFFICERS

Department of Enforcement,

Complainant,

v.

Damien P. Alexander (CRD No. 2724252),

Respondent.

DISCIPLINARY PROCEEDING
No. 2013035581901

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. Respondent Damien P. Alexander failed to provide information requested by FINRA staff in connection with an investigation.

RESPONDENT AND JURISDICTION

2. Alexander entered the securities industry in March 1996 by applying for registration as an Investment Company and Variable Contracts Products Representative at a FINRA member firm. His registration was approved in July 1996.
3. Alexander first became registered as an Investment Company and Variable Contracts Products Principal in August 2001.
4. From on or about December 12, 2012 through on or about January 11, 2013, Alexander was registered as an Investment Company and Variable Contracts Products Representative at FINRA member Quest Securities, Inc. (the Firm).
5. Although Alexander has not been registered or associated with a FINRA member firm since January 11, 2013, he remains subject to FINRA's jurisdiction for purposes of this proceeding, pursuant to Article V, Section 4 of FINRA's By-Laws, because:

- a. the Complaint was filed within two years after the effective date of termination of Alexander's registration with his most recent employing member firm, namely, January 11, 2013; and
- b. the Complaint charges Alexander with failing to provide information requested by FINRA staff during the two-year period after the date upon which he ceased to be registered or associated with a FINRA member.

CAUSE OF ACTION

Failure to Provide Information (FINRA Rules 8210 and 2010)

6. The Department realleges and incorporates by reference paragraphs 1 through 5 above.
7. On or about January 14, 2013, FINRA staff opened an investigation into potential misconduct by Alexander as a result of a Form U5 filed by the Firm, which stated that Alexander had been terminated for failing "to provide proper disclosure information." The Form U5 further disclosed that, at the time of his termination, Alexander had been under investigation by the State of California's "Corporate Division."
8. After receiving some information from the Firm and from the State of California, FINRA staff determined that Alexander may have engaged in violative activities away from the Firm, to wit, undisclosed outside business activities and/or private securities transactions.
9. On or about March 19, 2013, pursuant to FINRA Rule 8210, FINRA staff sent a letter (First Request) to Alexander, requesting that he provide information concerning, among other things, his engagement in any outside business activities and private securities transactions while registered at the Firm and at a previous FINRA member. The due date for Alexander's response was April 2, 2013.

10. The First Request was sent by first class and certified mail to Alexander's most recent residential address as reflected in the Central Registration Depository (CRD Address).
11. The first class mailing of the First Request was not returned.
12. The staff received a return receipt for the certified mailing of the First Request, signed by "Azar Abdollahzadeh."
13. On or about March 25, 2013, Alexander telephoned FINRA staff and asked that the due date for his response to the First Request be extended to April 12, 2013. FINRA staff granted the extension.
14. On or about April 11, 2013, Alexander telephoned FINRA staff and requested another extension for his response to the First Request, this time to April 26, 2013. FINRA staff requested a written explanation from Alexander concerning his need for another extension. Alexander failed to provide any such explanation and his request for an extension was not granted.
15. Alexander never provided any of the information requested in the First Request.
16. On or about April 16, 2013, pursuant to FINRA Rule 8210, FINRA staff sent another letter to Alexander (Second Request), requesting that he provide the information previously sought in the First Request. The due date for Alexander's response was April 26, 2013.
17. The Second Request was sent by first class and certified mail to the CRD Address.
18. The first class mailing of the Second Request was not returned.

19. According to the United States Postal Service's website, the certified mailing of the Second Request was successfully delivered on April 29, 2013, with an initial delivery attempt made on April 18, 2013.
20. Alexander never provided any of the information requested in the Second Request.
21. On or about May 6, 2013, pursuant to FINRA Rule 8210, FINRA staff sent a final letter to Alexander (Third Request) requesting that he provide the information previously sought in the First Request and the Second Request. The due date for Alexander's response was May 20, 2013.
22. The Third Request was sent by first class and certified mail to the CRD Address and to a second address (Sacramento Address) discovered by FINRA staff through a search of public records.
23. Neither of the first class mailings of the Third Request was returned.
24. The staff received a return receipt for the certified mailing of the Third Request to the CRD Address, signed by Alexander.
25. The staff received a return receipt for the certified mailing of the Third Request to the Sacramento Address, signed by Alexander.
26. On or about May 7, 2013, Alexander left a telephone message for the staff indicating that he intended to submit a response to the Third Request by May 10, 2013. FINRA staff did not receive anything from Alexander by that date.
27. On or about May 16, 2013, Alexander left another telephone message for FINRA staff, asking to discuss the Third Request. On or about May 20, 2013, the staff returned Alexander's telephone call but he did not answer, so the staff left a message.

Alexander never returned the staff's call and never provided any of the information requested in the Third Request.

28. By failing to provide information requested by FINRA staff in connection with an investigation, Alexander violated FINRA Rules 8210 and 2010.

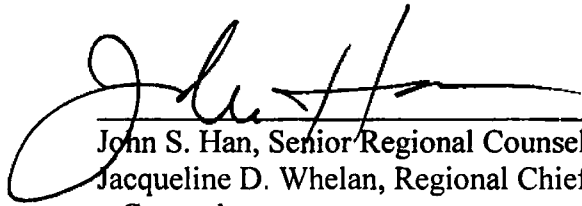
RELIEF REQUESTED

WHEREFORE, the Department respectfully requests that the Panel:

- A. make findings of fact and conclusions of law that Alexander 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; and
- C. order that Alexander 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: January 30, 2014



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