

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2013035724701**

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

RE: Gregg M. Kuchar, Respondent
CRD No. 1033768

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Gregg M. Kuchar, submit 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 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

Kuchar entered the securities industry in 1982 when he became registered with a FINRA-member firm as an Investment Company Products/Variable Contracts Limited Representative. Between January 1999 and April 2012, Kuchar was registered with three additional FINRA-member firms. In December 2000, he became licensed as a General Securities Representative and in April 2004 he became licensed as a General Securities Principal. One of the firms terminated Kuchar's registration in September 2003 because he had signed forms on behalf of a customer without that customer's authority. Then, in December 2007, a different firm terminated Kuchar's registration because he had impersonated an elderly customer in order to obtain private information on an account for which he was not the representative of record. Kuchar registered with Peak Brokerage Services, LLC ("Peak Brokerage" or the "Firm") in May 2012 as a General Securities Representative and Direct Participation Programs Representative. Peak Brokerage terminated Kuchar in January 2013 when he admitted to signing clients' names on documents.

Kuchar is not currently registered with any FINRA member, but remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.

RELEVANT DISCIPLINARY HISTORY

Kuchar has no formal disciplinary history.

OVERVIEW

In December 2012, Kuchar forged the signature of an elderly client, LW, on an account transfer form and on an IRA Distribution/Withholding Form.

In January 2013, Kuchar forged the signatures of two other elderly clients, DF and MF, both recently deceased, on a Transfer on Death ("TOD") Registration Form. In doing so, he designated himself as the sole beneficiary of DF and MF's real estate investment trust shares. Kuchar submitted the forged TOD to the issuer in an effort to obtain the shares or their value, approximately \$210,000.

In January 2013, Kuchar also called two different life insurance companies impersonating one of his elderly clients, SR, to obtain confidential information about SR's account.

By forging customer signatures and impersonating a customer, Kuchar violated FINRA Rule 2010.

FACTS AND VIOLATIVE CONDUCT

In December 2012, while registered with Peak Brokerage, in connection with LW's wish to transfer an investment and then sell it to obtain the proceeds, Kuchar forged LW's signature and initials on both the transfer and distribution forms that would transfer the investment and disburse the proceeds.

In January 2013, Kuchar submitted a forged TOD form to Company A, a real estate company, on behalf of DF and MF, who had both passed away in late 2012 without any children or beneficiaries. DF and MF had accounts with Company A holding approximately \$210,000 in real estate investment trust shares. Shortly before submitting the TOD, Kuchar contacted Company A about acquiring the form. He then forged DF's and MF's signatures on the form, back-dated it to July 2010, and submitted it to Company A. Had the form been accepted by Company A, Kuchar would have been able to receive the funds in the account. Company A, however, noted concerns with the form, froze DF and MF's account, and contacted the Firm. Kuchar admitted in a January 23, 2013 letter to the Firm that he had forged DF's and MF's signatures.

Also in January 2013, Kuchar called Company A impersonating an elderly client, SR, and attempted to obtain confidential information related to withdrawing SR's Required Minimum Distributions from an investment. The next day, Kuchar called a life insurance company, again impersonating SR, in an attempt to obtain confidential information related to withdrawing SR's Required Minimum Distributions.

By forging customer signatures and impersonating a customer in an attempt to obtain confidential account information, Kuchar violated FINRA Rule 2010.

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

- A bar from association 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).

The sanctions imposed herein shall be effective on a date set by FINRA staff. Pursuant to FINRA Rule 8313(c), 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 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.

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 response to public inquiries about my 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. 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.

4/3/14
Date (mm/dd/yyyy)

Gregg M. Kuchar
Gregg M. Kuchar

Accepted by FINRA:

5/14/14
Date

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

James E. Day
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