

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
No. 2013037124601**

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

RE: Daphne Jean-Baptiste, Respondent
CRD No. 6119704

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I 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

Daphne Jean-Baptiste commenced working in the securities industry on September 17, 2012, when she became associated with Merrill Lynch, Fenner & Smith, Inc. ("Merrill" or the "Firm") as a non-registered Administrative Assistant. On May 24, 2013, the Firm made a Rule 4530 filing reporting that Jean-Baptiste was terminated for the unauthorized personal use of another employee's corporate credit card when she purchased two airline tickets to the Bahamas. Since January 2014, Jean-Baptiste has been associated with Morgan Stanley & Co., LLC, as a Non-Registered Fingerprint Person.

RELEVANT DISCIPLINARY HISTORY

Jean-Baptiste has no relevant disciplinary history.

OVERVIEW

On April 23, 2013, while employed as an Administrative Assistant with Merrill, Jean-Baptiste converted \$768.80 from the Firm. Without permission or authority, Jean-Baptiste used another employee's (MD) corporate credit card when she purchased two

airline tickets to the Bahamas for personal use. By converting these funds, Jean-Baptiste violated FINRA Rule 2010.

FACTS AND VIOLATIVE CONDUCT

Facts

Between September 2012 and May 2013, Jean-Baptiste worked as an Administrative Assistant at Merrill. Jean-Baptiste's duties included making travel arrangements, which allowed her access to the corporate credit card information of the Firm's employees she supported. Jean-Baptiste's duties included processing Firm employees' expense reports.

On April 23, 2013, Jean-Baptiste used another employee's corporate credit card to charge two flights to the Bahamas for personal use. The total cost of these tickets amounted to \$768.80. The other employee was unaware of the charges to his corporate credit card and never gave Jean-Baptiste permission to use the card.

By virtue of the foregoing, Jean-Baptiste violated FINRA Rule 2010 by converting \$768.80 from the Firm through the unauthorized personal use of another employee's corporate credit card.

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

- A bar from associating with any FINRA member.

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

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

6/4/2014
Date

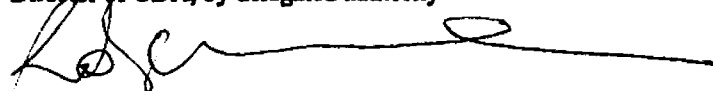
Daphne Jean-Baptiste
Daphne Jean-Baptiste
Respondent

Accepted by FINRA:

Date

6/10/2014

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



Roberta Vassallo
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