

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2013038564801**

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

RE: James Xavier Dunne, Respondent
Former Registered Representative
CRD No. 5362609

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

James Xavier Dunne ("Respondent" or "Dunne") first entered the securities industry in June 2007. From October 2007 through October 2013, Dunne was registered with Fidelity Brokerage Services LLC (the "Firm") as a General Securities Representative (Series 7) and State Agent (Series 63). Dunne was terminated by the Firm by Form U5 filed on October 10, 2013 for violating the Firm's corporate travel and business expense policy. Dunne is not currently associated with any FINRA member, but FINRA retains jurisdiction over him pursuant to Article V, Section 4 of FINRA's By-Laws.

RELEVANT DISCIPLINARY HISTORY

Dunne has no relevant disciplinary history.

OVERVIEW

Between February 2011 and August 2013, (the "Relevant Period") Dunne converted \$1,945.09 from the Firm through the submission of false travel and expense reimbursements. By reason of the foregoing, Dunne violated FINRA Rule 2010.

FACTS AND VIOLATIVE CONDUCT

During the Relevant Period, Dunne was employed by the Firm as a Workplace Planning and Guidance Consultant. He worked from his personal residence and was responsible for traveling to Firm clients' locations to provide retirement plan services and guidance.

During the Relevant Period, Dunne submitted \$406.80 in cash mileage reimbursement requests for travel on days that he worked from his home office location and no travel occurred; submitted \$867.00 in cash meal reimbursement requests for meals he did not eat; submitted travel and expense reimbursements for \$296.66 in personal meal expenses that he charged to the Firm's corporate credit card; and, also received \$374.63 in a duplicate payment for Firm business. Through these reimbursements and overpayments, Dunne converted \$1,945.09 in Firm funds for personal use.

By reason of the foregoing, Dunne violated FINRA Rule 2010.

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

A bar from associating with any FINRA member in any capacity.

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 Chief Legal Officer, 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:

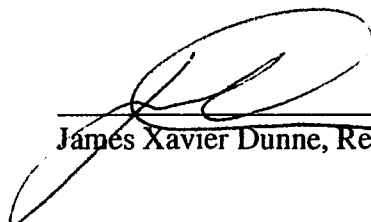
- A. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by the NAC, a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs ("ODA"), pursuant to FINRA Rule 9216;
- B. If this AWC is not accepted, its submission will 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.

06/24/2014
Date (mm/dd/yyyy)


James Xavier Dunne, Respondent

Accepted by FINRA:

7-28-2014
Date

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

James E. Day (MS)

James E. Day
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