

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2014041267301**

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

RE: Linda A. Vitaletti, Respondent
General Securities Principal
CRD No. 1103338

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Linda A. Vitaletti ("Respondent") 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 Respondent alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. Respondent 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

Respondent entered the securities industry in 1982 and has worked in the industry for approximately 33 years with five different present and former FINRA-member broker-dealers. Respondent obtained the following securities licenses between 1983 and 2004: Series 7, Series 24, Series 63, Series 66 and Series 101.

From November 2010 through April 21, 2014, Respondent was employed by Wells Fargo Bank, N.A. ("WFB") in New York City as a personal banker and was also registered with the FINRA-registered broker-dealer Wells Fargo Advisors, LLC ("Wells Fargo" or the "Firm").

Respondent remained with the Firm and WFB until April 21, 2014. Vitaletti is not currently associated with a FINRA-member firm. Pursuant to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws, Respondent remains subject to FINRA's jurisdiction.

RELEVANT DISCIPLINARY HISTORY

The Respondent has no prior disciplinary history in the securities industry.

OVERVIEW

Respondent failed to appear for testimony in response to a FINRA Rule 8210 request letter.

FACTS AND VIOLATIVE CONDUCT

On May 19, 2014, the Firm filed a Uniform Termination Notice for Securities Industry Registration ("Form U5") indicating that Respondent had been terminated on April 21, 2014 for endorsing a check made payable to a WFB client and depositing the check into Respondent's personal retirement account held at the Firm. The check was erroneously sent to Respondent at her office address by WFB and the check was made payable to a WFB customer with a similar name to Respondent. Upon discovery, the Respondent agreed to return the funds.

FINRA thereafter began an investigation into whether Respondent had converted the WFB client's funds. On May 19, 2015, FINRA staff sent a request to Respondent's attorney directing Respondent to appear for on-the-record testimony on May 26, 2015 pursuant to FINRA Rule 8210. On May 26, 2015, Respondent did not appear and Respondent's counsel acknowledged receipt of FINRA's request and indicated to FINRA staff via telephone and e-mail correspondence that Respondent will not appear for on-the-record testimony. By refusing to appear for on-the-record testimony as requested pursuant to FINRA Rule 8210, Respondent violates FINRA Rules 8210 and 2010.

- B. Respondent also consents to the imposition of the following sanctions:

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

Respondent understands that if she is barred or suspended from associating with any FINRA member, she 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, Respondent 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

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

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

Respondent 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

Respondent 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 her; and
- C. If accepted:
 - 1. this AWC will become part of Respondent's permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against her;

2. this AWC will be made available through FINRA's public disclosure program in accordance with FINRA Rule 8313;
3. FINRA may make a public announcement concerning this agreement and the subject matter thereof in accordance with FINRA Rule 8313; and
4. Respondent 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. Respondent 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 Respondent's: (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.

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

6/5/2015
Date

Shadi A. Vitalante
Respondent

Reviewed by:

Scott M. Andersen
Scott M. Andersen
Counsel for Respondent
Andersen, P.C.
1350 Avenue of the Americas, 2nd Floor
New York NY 10065

Accepted by FINRA:

6/23/15
Date

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

Susan Light
Susan Light
Senior Vice President and Chief Counsel
FINRA Department of Enforcement
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