

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2014041373401**

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

RE: Gregory Edward Barr, Respondent
General Securities Representative
CRD No. 1312703

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Respondent Gregory Edward Barr ("Barr") 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 Barr 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

Barr entered the securities industry in August 1984, when he became associated with a FINRA member firm. Barr was first registered as a general securities representative in August 1985. From August 1984 through March 2012, Barr was associated with several FINRA member firms. In March 2012, Barr became associated with Deutsche Bank Securities Inc. ("Deutsche Bank"). Barr remained with Deutsche Bank until May 2014. Barr then became associated with another FINRA member firm in June 2014, where he remains to date.

FACTS AND VIOLATIVE CONDUCT

NASD Conduct Rule 2510(b) provides:

No member or registered representative shall exercise any discretionary power in a customer's account unless such customer has given prior written authorization to a stated individual or individuals and the account has been accepted by the member, as evidenced in writing by the member or

the partner, officer or manager, duly designated by the member, in accordance with Rule 3010.

NASD Conduct Rule 2510(d)(1) provides, in pertinent part, that the Rule's other requirements regarding the need for written discretionary authority shall not apply to:

Discretion as to the price at which or the time when an order given by a customer for the purchase or sale of a definite amount of a specified security shall be executed, *except that the authority to exercise time and price discretion will be considered to be in effect only until the end of the business day on which the customer granted such discretion*, absent a specific, written contrary indication signed and dated by the customer. (Emphasis added).

A violation of NASD Conduct Rule 2510(b) is also a violation of FINRA Rule 2010.

On November 21, 2013, Barr placed sell orders for four different customers in the same stock. The customers had previously given Barr verbal authorization to sell their positions at his discretion in the event the stock decreased in price; however, Barr did not discuss the transactions with the customers on the day of executing the transactions in the four customers' accounts. His conversations with the customers had occurred approximately seven to 10 days earlier. Barr did not have written authority from the customers to exercise discretion in their accounts. In addition, Deutsche Bank had not accepted the customers' accounts as discretionary accounts, and only allowed time and price discretion within a single day, consistent with Rule 2510(d)(1).

In view of the foregoing, Barr exercised discretion in four customers' accounts by entering transactions without obtaining prior written authorization from the customers and without having the accounts accepted as discretionary accounts by Deutsche Bank, in violation of NASD Conduct Rule 2510(b) and FINRA Rule 2010.

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

A 10-business day suspension from association with any FINRA member firm in all capacities and a \$5,000 fine.

I agree to pay the monetary sanction upon notice that this AWC has been accepted and that such payment is due and payable. I have submitted an Election of Payment form showing the method by which I propose to pay the fine imposed.

I specifically and voluntarily waive any right to claim that I am unable to pay, now or at any time hereafter, the monetary sanction imposed in this matter.

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.

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 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. 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.
- D. I may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. I understand that I may not deny the charges or make any statement that is inconsistent with the AWC in this Statement. This Statement does not constitute factual or legal findings by FINRA, nor does it reflect the views of FINRA or its staff.

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.

06/13/2016

Date (mm/dd/yyyy)


Respondent Gregory Edward Barr

Reviewed by:



Gregory Tendrich, Esq.

Counsel for Respondent

Gregory Tendrich, P.A.

1075 Broken Sound Parkway NW, Suite 103

Boca Raton, FL 33487

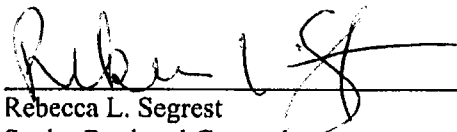
Telephone: 561-417-8777

Facsimile: 561-417-8700

Accepted by FINRA:

June 14, 2016
Date

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



Rebecca L. Segrest

Senior Regional Counsel

FINRA Department of Enforcement

3490 Piedmont Road NE, Suite 500

Atlanta, Georgia 30305

Telephone: 404-239-6125

Facsimile: 404-264-1586