

FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS

Department of Enforcement,

Complainant,

v.

Alan Cashaw, Jr. (CRD No. 4574278)

Respondent.

DISCIPLINARY PROCEEDING
NO. 2014041884602

HEARING OFFICER:

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. Between August 2014 and May 2015, Respondent Alan Cashaw, Jr. failed to timely respond to two written information requests sent pursuant to FINRA Rule 8210. Subsequently, between August 2015 and October 2015, Respondent failed to respond in any way to two further written information requests sent pursuant to FINRA Rule 8210. Accordingly, Respondent violated FINRA Rules 8210 and 2010.

RESPONDENT AND JURISDICTION

2. Respondent entered the securities industry in August 8, 2002, when he was registered with a FINRA member firm. From on or about November 2004 through on or about August 2008, Respondent was registered at a different FINRA member firm.

3. From October 8, 2008 through June 24, 2014, Respondent was registered at FINRA member FSC Securities Corporation as a General Securities Representative and an Investment Company Products/Variable Contracts Representative.
4. On July 9, 2014, FSC Securities Corporation filed a Form U5 terminating Respondent's registration and disclosing that Respondent had been terminated for violating "firm policies and procedures regarding availability and frequency of client contact, and failure to properly maintain, retain and secure firm books and records."
5. Although Respondent is no longer registered or associated with a FINRA member, he remains subject to FINRA's jurisdiction for purposes of this proceeding, pursuant to Article V, Section 4 of FINRA's By-Laws, because (1) the Complaint was filed within two years after the effective date of termination of Respondent's registration with FSC Securities Corporation, namely, July 9, 2014; and (2) the Complaint charges Respondent with failing to respond to FINRA requests for information during the two-year period after the date upon which he ceased to be registered or associated with a FINRA member.

FIRST CAUSE OF ACTION
Failure to Timely Respond to Requests for Information
(FINRA Rules 8210 and 2010))

6. The Department realleges and incorporates by reference paragraphs 1–5, above.
7. FINRA Rule 8210 requires members and associated persons, if requested by FINRA staff, "to provide information orally, in writing or electronically . . . with respect to any matter involved in the investigation, complaint, examination or proceeding"

8. After receipt of the U5 filing, FINRA Staff opened an investigation into whether Respondent had failed to properly maintain, retain, and secure customer records as required by FINRA Rule 4511 and Securities Exchange Act Rule 17a-3. In connection with that investigation, FINRA Staff sent a letter on August 4, 2014 requesting information from Respondent pursuant to FINRA Rule 8210 (the “First Request”). The First Request was sent by first class and certified mail to Respondent’s CRD address.
9. On October 2, 2014, FINRA Staff sent another letter to Respondent, pursuant to FINRA Rule 8210 (the “Second Request”), requesting the same information sought in the First Request. The Second Request was sent by first class and certified mail to Respondent’s CRD address.
10. Respondent did not respond to the First or Second Requests.
11. After Respondent failed to respond to the First and Second Requests, FINRA Staff initiated an expedited proceeding against Respondent pursuant to FINRA Rule 9552. By letter dated January 30, 2015, Respondent was notified that because he had failed to provide the requested information, he would be suspended on February 23, 2015 from associating with any FINRA member in any capacity unless he took corrective action before the suspension date.
12. Respondent did not respond to the January 30, 2015 letter.
13. Pursuant to FINRA Rule 9552, FINRA Staff notified Respondent by letter sent on February 23, 2015 that he was suspended from associating with any FINRA member

in any capacity, with a bar from such association to take effect on May 4, 2015 unless he took corrective action before that time.

14. On May 1, 2015, FINRA staff received Respondent's written response dated April 20, 2015 to the First and Second Requests. Accordingly, Respondent's suspension was terminated on May 5, 2015.
15. By failing to timely respond to FINRA's requests for information, Respondent violated FINRA Rules 8210 and 2010.

SECOND CAUSE OF ACTION
Failure to Respond to Requests for Information
(FINRA Rules 8210 and 2010)

16. The Department realleges and incorporates by reference paragraphs 1–15, above.
17. Following the termination of Respondent's suspension, FINRA Staff renewed its investigation of Respondent's potential misconduct.
18. On August 7, 2015, FINRA Staff sent a letter to Respondent, pursuant to FINRA Rule 8210, requesting further information in connection with its investigation (the "Third Request"). The Third Request was sent by first class and by certified mail to Respondent's CRD address and included a due date of August 25, 2015.
19. The first class mailing of the Third Request was not returned. The certified return receipt of the Third Request was returned to FINRA having been signed illegibly and dated August [illegible], 2015.
20. On September 1, 2015, FINRA Staff sent another letter to Respondent, pursuant to FINRA Rule 8210 (the "Fourth Request"), requesting the same information sought in

the Third Request. The Fourth Request was sent by first class and by certified mail to the CRD address and included a due date of September 15, 2015. The Fourth Request was also sent via e-mail to Respondent at an e-mail address identified by FINRA Staff.

21. The first class mailing of the Fourth Request was not returned. The certified mailing of the Fourth Request was returned to FINRA by the U.S. Postal Service, marked “UNCLAIMED.”

22. Respondent never provided the information and documents requested in the Third or Fourth Requests.

23. By failing to respond to FINRA’s requests for information and documents, Respondent violated FINRA Rules 8210 and 2010.

RELIEF REQUESTED

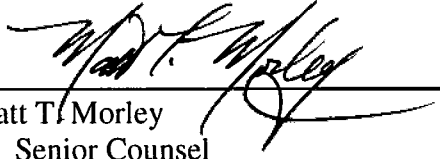
WHEREFORE, the Department respectfully requests that the Panel:

- A. make findings of fact and conclusions of law that Respondent committed the violations charged and alleged herein;
- B. order that one or more of the sanctions provided under FINRA Rule 8310(a), including monetary sanctions, be imposed; and

- C. order that Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with FINRA Rule 8330;

FINRA DEPARTMENT OF ENFORCEMENT

Date: October 29, 2015



Matt T. Morley
Senior Counsel
Jennifer J. Schulp
Director
FINRA Department of Enforcement
15200 Omega Drive, 3rd Floor
Rockville, Maryland 20850-3241
301-258-8454 (Morley)
301-258-8579 (Schulp)
Matt.Morley@finra.org
Jennifer.Schulp@finra.org