

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2014043027001**

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

RE: David Alan Lavine, Respondent
General Securities Representative
CRD No. 4895654

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

In February 2005, Lavine first became registered as a general securities representative with FINRA through his association with a member firm. At various times from February 2005 through October 2011, Lavine was registered with FINRA through his association with three FINRA member firms. On October 13, 2011, Lavine became registered with FINRA as a general securities representative through his association with UBS Financial Services, Inc. ("UBS"). On October 13, 2014, UBS filed a Uniform Termination Notice for Securities Industry Registration ("Form U5") terminating Lavine's registrations with FINRA and his association with the firm. Lavine is not currently registered with FINRA or associated with a FINRA member firm, but he remains subject to FINRA's jurisdiction pursuant to FINRA By-Laws, Article V, Section 4.

RELEVANT DISCIPLINARY HISTORY

Lavine has no prior disciplinary history with the Securities and Exchange Commission, any state securities regulator or self-regulatory organization.

OVERVIEW

Lavine failed to provide the documents and information requested pursuant to FINRA Rule 8210 in violation of FINRA Rules 8210 and 2010.

FACTS AND VIOLATIVE CONDUCT

FINRA Rule 8210 authorizes FINRA, in the course of its investigations, to require persons associated with a FINRA member to "...provide information orally, in writing, or electronically...with respect to any matter involved in the investigation..."

In addition, FINRA Rule 2010 provides that "[a] member, in the conduct of its business, shall observe high standards of commercial honor and just and equitable principles of trade."

On October 31, 2014, during the course of an investigation into allegations that Lavine (i) exceeded the scope of an approved outside business activity and/or engaged in an unapproved private securities transaction; and (ii) failed to timely disclose several reportable financial events, FINRA staff, pursuant to FINRA Rule 8210, requested that Lavine provide documents and information on or before November 14, 2014. On December 2, 2014, Lavine, through his counsel, requested an extension of time to respond. As requested, FINRA staff granted the extension until December 16, 2014. Lavine failed to provide the responsive documents and information by December 16, 2014, and through counsel informed FINRA staff that he would not provide the requested documents and information at any time.

By failing to provide the documents and information that were requested pursuant to FINRA Rule 8210, Lavine violated FINRA Rules 8210 and 2010.

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

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

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. 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:

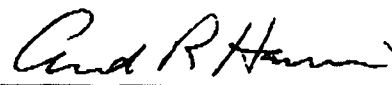
1. this AWC will become part of my permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against me;
2. this AWC will be made available through FINRA's public disclosure program in accordance with FINRA Rule 8313;
3. FINRA may make a public 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.

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.

12-20-14
Date (mm/dd/yyyy)


David Alan Lavine, Respondent

Reviewed by:


Andrew Harvin
Counsel for Respondent
Doyle, Restrepo, Harvin & Robbins, LLP
The Lyric Centre,
440 Louisiana, Suite 2300
Houston, TX 77002
Tel: 713-228-6138

Accepted by FINRA:

1/29/15
Date

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

Kathryn M. Wilson
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