

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2015047070801**

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

**RE: Daniel E. Peltier, Respondent
Registered Representative
CRD No. 2677761**

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, 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 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

Daniel Peltier was first registered with a FINRA member firm in October 1995. From November 2008 through August 2015, Peltier was a General Securities Representative (Series 7) associated with FINRA member firm RBC Capital Markets, Inc. Since leaving RBC Capital Markets, Peltier has been and is currently associated with other FINRA member firms. Peltier has no relevant disciplinary history.

OVERVIEW

From July 2014 through May 2015, Peltier violated FINRA Rule 2010 by negligently facilitating a market manipulation when he placed dozens of buy limit orders for Mix 1 Life, Inc. ("MIXX"), a thinly-traded over-the-counter (OTC) security, based on communications he had with a stock promoter. Peltier also violated FINRA Rules 4511 and 2010 by causing his firm to maintain inaccurate books and records when he mismarked his customer's orders to purchase MIXX stock as "unsolicited" when, in fact, he had solicited the purchases. In addition, Peltier violated FINRA Rules 2114 and 2010 by recommending purchases of MIXX stock to customers without reviewing the current financial statements for MIXX.

FACTS AND VIOLATIVE CONDUCT

Negligent Facilitation of a Market Manipulation

FINRA Rule 2010 states that “[a] member, in the conduct of its business, shall observe high standards of commercial honor and just and equitable principles of trade.” A broker violates FINRA Rule 2010 when he negligently facilitates a market manipulation by others.

From July 2014 through February 2015, Peltier placed approximately 82 buy limit orders for MIXX stock in accounts held in his and his son’s name and—after recommending the purchase of the stock—five other brokerage customers. The majority of these purchases were based on communications he had with a stock promoter. During this time period, Peltier was in near-daily contact with the stock promoter, who provided Peltier with the specific timing, price, and number of shares he should use for his orders to buy MIXX. Peltier’s buy orders exceeded 20 percent of the market volume for MIXX on 46 days during this time period. On those 46 days, Peltier placed over 60 buy limit orders to purchase MIXX, nearly all of which were matched in amount and price with a recently placed sell order at another broker-dealer. Moreover, Peltier’s buy limit orders frequently were entered at prices above the best available ask price for MIXX. Peltier’s orders had the effect of stabilizing the price of MIXX at or around \$6 per share. Given these circumstances, Peltier should have known that his buy orders were being used to facilitate a market manipulation of the price of MIXX stock. By negligently facilitating a market manipulation by others, Peltier violated FINRA Rule 2010.

Mismarking Solicited Orders as “Unsolicited”

FINRA Rule 4511 provides that member firms “shall make and preserve books and records as required under the FINRA rules, the Exchange Act and the applicable Exchange Act rules.” An individual violates FINRA Rule 4511 when he or she causes his or her member firm to maintain inaccurate books and records, such as by mismarking order tickets. A violation of FINRA Rule 4511 also is a violation of FINRA Rule 2010.

Although his firm had a policy against soliciting the purchase of OTC securities, Peltier solicited his customers’ purchases of MIXX described above. Peltier nevertheless mismarked approximately 30 orders tickets for purchases in five customers’ accounts as “unsolicited” when, in fact, they were solicited. Thus, Peltier caused his firm to maintain inaccurate books and records and, by doing so, violated FINRA Rules 4511 and 2010.

Failure to Conduct Financial Due Diligence before Recommending MIXX

FINRA Rule 2114 provides that “[no] member or person associated with a member shall recommend that a customer purchase or sell short any OTC Equity Security, unless the member has reviewed the current financial statements of the issue, current material business information about the issuer, and made a determination that such information,

and any other information available, provides a reasonable basis under the circumstances for making the recommendation.” The financial statements that must be reviewed prior to recommending an OTC Equity Security are defined by the rule, and the failure to conduct such review violates Rule 2114. A violation of Rule 2114 also constitutes a violation of FINRA Rule 2010.

During the relevant time period, MIXX was an OTC Equity Security, as defined by Rule 2114. Prior to recommending that five of his customers invest in MIXX, however, Peltier failed to review MIXX’s financial statements to determine whether there was a reasonable basis for his recommendation to purchase the security. As a result of that failure, Peltier violated FINRA Rule 2114 and 2010.

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

- 10-month suspension from associating with any FINRA member firm in any capacity; and
- A \$40,000 fine.

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).

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.

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:

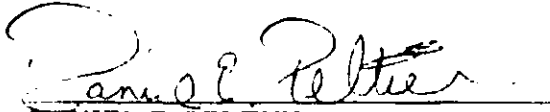
- A. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by the NAC, a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs ("ODA"), pursuant to FINRA Rule 9216;
- B. If this AWC is not accepted, its submission will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

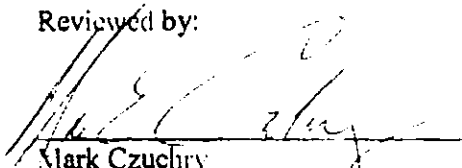
- D. I may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. I understand that I may not deny the charges or make any statement that is inconsistent with the AWC in this Statement. This Statement does not constitute 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.

7/25/17
Date (mm/dd/yyyy)


DANIEL E. PELTIER

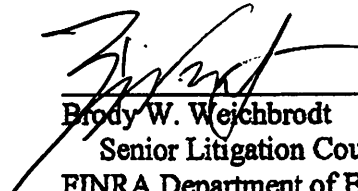
Reviewed by:


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Accepted by FINRA:

August 11, 2017
Date

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



Brody W. Weichbrodt

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