

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2016051166301**

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

RE: Robert Baldwin Del Guercio, Respondent
General Securities Representative ("GSR")
CRD No. 2639851

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Robert Baldwin Del Guercio ("Del Guercio"), 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

Del Guercio entered the securities industry in July 1995 when he became associated with a FINRA member, and was registered with FINRA as a General Securities Representative ("GSR") in September 1995. At various times between April 1996 and February 2012, Del Guercio was registered with FINRA as a GSR, through associations with eight different FINRA members. From February 2012 until August 2017, Del Guercio was registered as a GSR through an association with Herbert J. Sims & Co. Inc. ("HJ Sims" or the "Firm").

Since leaving HJ Sims, Del Guercio has not been registered with FINRA or associated with any FINRA member firm. Pursuant to Article V, Section 4 of the FINRA By-Laws, Del Guercio remains subject to FINRA's jurisdiction.

RELEVANT DISCIPLINARY HISTORY

Del Guercio has no disciplinary history with the Securities and Exchange Commission, FINRA, any other self-regulatory organization or any state securities regulator.

FACTS AND VIOLATIVE CONDUCT

FINRA Rule 8210 authorizes FINRA, in the course of its investigations, to require persons associated with a FINRA member, or person subject to FINRA's jurisdiction to "provide information orally, in writing, or electronically ... and to testify at a location specified by FINRA Staff, under oath or affirmation ... with respect to any matter involved in the investigation."

FINRA Rule 2010 requires that members and associated persons "observe high standards of commercial honor and just and equitable principles of trade." Failure to comply with requests to appear and provide testimony pursuant to FINRA Rule 8210 is also a violation of FINRA Rule 2010.

On October 3, 2016, Del Guercio's Uniform Application For Securities Industry Registration or Transfer ("Form U4") was amended to disclose that his customers had filed an arbitration claim in July 2016 alleging sales practice violations. On August 31, 2017, FINRA sent to Del Guercio a request pursuant to FINRA Rule 8210 requesting that he appear and provide on-the-record testimony on October 12, 2017.

As Del Guercio stated through counsel during a telephone call between counsel and FINRA staff on September 6, 2017, and by this agreement, Del Guercio acknowledges that he received FINRA's August 31, 2017 request and will not appear for on-the-record testimony at any time. By refusing to appear for on-the-record testimony as requested pursuant to FINRA Rule 8210, Del Guercio 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. 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:

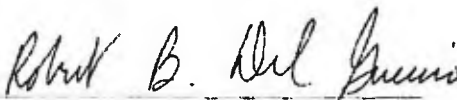
- A. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by the NAC, a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs ("ODA"), pursuant to FINRA Rule 9216;
 - B. If this AWC is not accepted, its submission will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

C. If accepted:

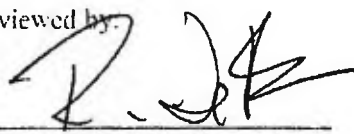
1. this AWC will become part of my permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against me;
2. this AWC will be made available through FINRA's public disclosure program in accordance with FINRA Rule 8313;
3. FINRA may make a public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

10/5/2017
Date


Robert Baldwin Del Guercio, Respondent

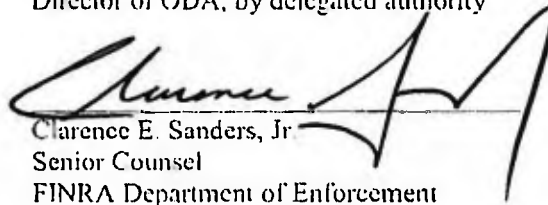
Reviewed by:


Richard D. DeVita, Esq.
Counsel for Respondent
DeVita & Associates
1228 Garden Street
Hoboken, New Jersey 07030
Tel: (201) 714-7623

Accepted by FINRA:

10/16/2017
Date

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

A handwritten signature in black ink, appearing to read "Clarence E. Sanders, Jr.", followed by a large, stylized flourish.

Clarence E. Sanders, Jr.
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