

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2017053893501**

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

RE: Scott Sherwin Polish, Respondent
Former Registered Representative
CRD No. 2165523

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I submit this Letter of Acceptance, Waiver and Consent ("AWC") for the purpose of proposing a settlement of the alleged rule violation 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

Scott Sherwin Polish ("Polish") first entered the securities industry in June 1991, when he associated with a FINRA member firm. He obtained his Series 7 license in August 1991, his Series 63 license in September 1991, his Series 4 license in March 1993, his Series 8 license in April 1993, his Series 31 license in July 2000, and his Series 65 license in October 2008. In May 2008, Polish became registered with what is now Wells Fargo Clearing Services, LLC ("Wells Fargo" or the "Firm"). According to the Firm's Form U-5 termination filing, Polish's registration was terminated from Wells Fargo on April 13, 2017 after he admitted to making transfers from two Firm customers' accounts to pay his personal credit card.

Although Polish is not currently registered with a FINRA member, FINRA retains jurisdiction over Polish pursuant to Article V, Section 4(a) of the FINRA By-Laws.

OVERVIEW

Polish failed to respond to FINRA's request for documents and information, in violation of FINRA Rules 8210 and 2010.

FACTS AND VIOLATIVE CONDUCT

FINRA Rule 8210(a)(1) requires "a member, person associated with a member, or any other person subject to FINRA's jurisdiction to provide information orally, in writing, or electronically (if the requested information is, or is required to be, maintained in electronic form) and to testify at a location specified by FINRA staff, under oath or affirmation administered by a court reporter or a notary public if requested, with respect to any matter involved in the investigation, complaint, examination, or proceeding."

After receipt of the Firm's Form U-5 referenced above, FINRA began an investigation into Polish's alleged conversion of the funds of an elderly couple who were customers. In connection with that investigation, FINRA staff issued a request to Polish for documents and information pursuant to FINRA Rule 8210 on April 14, 2017. As stated in his counsel's phone call with FINRA staff on May 3, 2017, and by this agreement, Polish, through his counsel, acknowledges that he received FINRA's request and will not produce the documents and information requested. By refusing to produce documents and information as requested pursuant to FINRA Rule 8210, Polish violates FINRA Rules 8210 and 2010.

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

A bar in all capacities from associating with any FINRA member.

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;

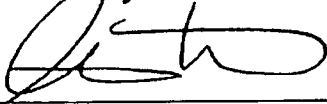
2. this AWC will be made available through FINRA's public disclosure program in accordance with FINRA Rule 8313;
3. FINRA may make a public announcement concerning this agreement and the subject matter thereof in accordance with FINRA Rule 8313; and
4. I may not take any action or make or permit to be 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 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.

5/21/2017
Date (mm/dd/yyyy)


Scott Sherwin Polish, Respondent

Reviewed by:


Scott Matasar
Counsel for Respondent
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Accepted by FINRA:

5-22-2017
Date

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



Jessica Zetwick-Skryzhynskyy
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