

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2018059546401**

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

RE: Brenda M. Kochel, Respondent
Former Investment Company and Variable Contracts Products Representative
CRD No. 5212755

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Respondent Brenda M. Kochel ("Respondent" or "Kochel") 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 Respondent alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. Respondent hereby accepts and consents, 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

Kochel joined the securities industry in 2006. She was registered as an Investment Company and Variable Contracts Products Representative through Guardian Investor Services LLC from October 2006 to March 2015, and through Park Avenue Securities LLC (the "Firm") from March 2015 to August 2018. While registered through the Firm, Kochel was employed by the Firm as well as the Firm's affiliated insurance company, both of which are subsidiaries of Guardian Life Insurance Company of America ("Guardian"). On August 15, 2018, the Firm filed a Uniform Termination Notice for Securities Industry Registration ("Form U5") terminating Kochel's registration and disclosing that Kochel had been discharged from the Firm for misappropriating funds by submitting false expenses for reimbursement.

Although Kochel is not currently associated with a FINRA member, she remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.

RELEVANT DISCIPLINARY HISTORY

Respondent does not have any disciplinary history with the Securities and Exchange Commission, any state securities regulators, FINRA, or any other self-regulatory organization.

OVERVIEW

From November 2016 through May 2018 (the "Relevant Period"), Kochel converted Guardian's funds by requesting and obtaining \$23,847.24 in reimbursement from Guardian for travel expenses she did not incur. By converting Guardian's funds, Kochel violated FINRA Rule 2010.

FACTS AND VIOLATIVE CONDUCT

Conversion is an intentional and unauthorized taking of and/or exercise of ownership over property by one who neither owns the property nor is entitled to possess it. A registered representative who converts funds violates FINRA Rule 2010, which requires members and associated persons to observe "high standards of commercial honor and just and equitable principles of trade."

The Firm's employees were permitted to obtain reimbursement for certain business-related expenses the employees incurred, consistent with Guardian's travel and expense reimbursement policies. Under those policies, employees were permitted to obtain reimbursement for legitimate personal car usage expenses incurred for business-related travel.

During the Relevant Period, which spanned 19 months, Kochel requested reimbursement from Guardian for \$23,847.24 in personal car usage expenses she did not incur. Kochel requested reimbursement for a total of 132 trips, through 41 expense reports. For each trip on each expense report, Kochel identified locations she claimed to have driven from and driven to, and identified amounts of personal car usage expenses she claimed to have incurred on those trips. These were fictitious; she did not take such trips or incur such expenses.

Kochel's supervisor provided her with his log-in credentials to Guardian's expense reimbursement system so that she could approve the expense reimbursement requests of his team members. Without her supervisor's knowledge, Kochel used his log-in credentials to approve the reimbursement of her fictitious expenses. Through her actions, Kochel obtained \$23,847.24 that she was not entitled to receive.

By virtue of the foregoing, Respondent converted funds in violation of FINRA Rule 2010.

B. Respondent(s) also consent(s) to the imposition of the following sanctions:

- A bar from association with any FINRA member firm in any capacity.

Respondent understands that if she is barred or suspended from associating with any FINRA member, she becomes 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, she 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

Respondent specifically and voluntarily waives the following rights granted under FINRA's Code of Procedure:

- A. To have a Complaint issued specifying the allegations against her;
- 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, Respondent specifically and voluntarily waives 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.

Respondent further specifically and voluntarily waives 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

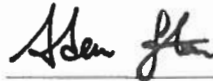
Respondent understands that:

- 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

Accepted by FINRA:

August 14, 2019
Date

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



Adam N. Stern
Senior Attorney
FINRA
Department of Enforcement
15200 Omega Drive, Third Floor
Rockville, MD 20854