

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

Department of Enforcement,

Complainant,

v.

Gina Kidd
CRD No. 6658538,

Respondent.

Disciplinary Proceeding
No. 2019064729705

Hearing Officer—BEK

**ORDER ACCEPTING OFFER OF
SETTLEMENT**

DATE: April 1, 2022

INTRODUCTION

Disciplinary Proceeding No. 2019064729705 was filed on February 4, 2022, by the Department of Enforcement of the Financial Industry Regulatory Authority (FINRA or Complainant). Respondent Gina Kidd submitted an Offer of Settlement (Offer) to Complainant dated March 30, 2022. Pursuant to FINRA Rule 9270(e), the Complainant and the National Adjudicatory Council (NAC), a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs (ODA) have accepted the uncontested Offer. Accordingly, this Order now is issued pursuant to FINRA Rule 9270(e)(3). The findings, conclusions, and sanctions set forth in this Order are those stated in the Offer as accepted by the Complainant and approved by the NAC.

Under the terms of the Offer, Respondent has consented, without admitting or denying the allegations of the Complaint, 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, to the entry of findings and violations consistent with the allegations of the Complaint, and to the imposition of the sanctions set forth below, and fully understands that this Order will become part of

Respondent's permanent disciplinary record and may be considered in any future actions brought by FINRA.

BACKGROUND

Gina Kidd first became registered with FINRA as an Investment Company and Variable Contracts Products Representative through an association with Allstate Financial Services, LLC on February 8, 2017.

On March 3, 2020, Allstate filed a Uniform Termination Notice for Securities Industry Registration (Form U5) stating that Kidd's employment was terminated "after allegations that [she] involved an unregistered person in activities that require registration."

Although Kidd is no longer registered or associated with a FINRA member, she remains subject to FINRA's jurisdiction for purposes of this proceeding, pursuant to Article V, Section 4 of FINRA's By-Laws because (1) the Complaint was filed within two years after March 3, 2020, which was the effective date of termination of Kidd's registration with Allstate, and (2) the Complaint charges her with failing to appear for on-the-record testimony during the two-year period after the date on which she ceased to be registered or associated with a FINRA member.

FINDINGS AND CONCLUSIONS

It has been determined that the Offer be accepted and that findings be made as follows:

SUMMARY

In December 2021, Respondent Gina Kidd failed to appear for on-the-record testimony requested by FINRA staff pursuant to FINRA Rule 8210. As a result, Kidd violated FINRA Rules 8210 and 2010.

FACTS

FINRA staff opened an investigation into the allegations recited in the March 3, 2020 Form U5. Kidd initially cooperated with the investigation by providing documents and information in response to a request issued by FINRA staff pursuant to FINRA Rule 8210.

In connection with the investigation and pursuant to FINRA Rule 8210, on September 15, 2021, FINRA staff issued Kidd a letter requesting her on-the-record testimony on September 30, 2021.

On September 28, 2021, Kidd responded to the September 15, 2021 Rule 8210 request by asking FINRA staff to adjourn the testimony from September 30, 2021. FINRA staff agreed, and the adjourned date of October 21, 2021 was set forth in a revised FINRA Rule 8210 request sent to Kidd on October 5, 2021.

Kidd, however, failed to appear on October 21, 2021 for her scheduled testimony.

Accordingly, on October 22, 2021, FINRA staff issued Kidd another request to testify pursuant to FINRA Rule 8210, setting her testimony for October 26, 2021.

On October 25, 2021, Kidd informed FINRA staff by email that she would not appear for her scheduled testimony on October 26, 2021. Kidd did not appear for her testimony on October 26, 2021.

FINRA staff sent the September 15, 2021, October 5, 2021, and October 22, 2021 request letters via first-class mail and certified mail, return receipt requested, to Kidd's residential address, as reflected in FINRA's Central Registration Depository (CRD Address) and provided Kidd a courtesy copy of each request letter to her personal email on the same day.

Because FINRA staff had notice that Kidd did not live at her CRD Address at the time it served its prior Rule 8210 requests, on November 22, 2021, in connection with the same

investigation and pursuant to FINRA Rule 8210, FINRA staff issued Kidd another request to testify on-the-record, setting her testimony for December 2, 2021.

FINRA staff served the November 22, 2021 request letter via first-class mail, certified mail, return receipt requested, and FedEx to Kidd's CRD Address and to a second address the staff identified via a public records search (Public Records Address). FINRA staff also sent Kidd a courtesy copy of the request letter via her personal email on the same day.

On November 26, 2021, Kidd advised FINRA staff via email that she was not available on December 2, 2021. Accordingly, on November 30, 2021, pursuant to FINRA Rule 8210, FINRA staff issued Kidd a revised request to testify on-the-record, setting her testimony for December 7, 2021.

FINRA staff served the November 30, 2021 letter via first-class mail, certified mail, return receipt requested, and FedEx to Kidd's CRD Address and Public Records Address. FINRA staff also sent Kidd a courtesy copy of the request letter via her personal email on the same day.

The FedEx mailings of the November 30, 2021 letter were delivered to Kidd's CRD Address on December 1, 2021 and Kidd's Public Records Address on December 2, 2021.

The certified mailing of the November 30, 2021 letter to Kidd's CRD Address was returned to the staff on December 23, 2021 as undelivered. The certified mailing of the November 30, 2021 letter was delivered to Kidd's Public Records Address on December 3, 2021.

The first-class mailing to Kidd's CRD Address was returned to the staff as undelivered on December 8, 2021. The first-class mailing to Kidd's Public Records Address was not returned to the staff.

On December 7, 2021, Kidd did not appear for testimony. She also did not contact the staff to ask for an adjournment either before or after December 7, 2021.

CAUSE OF ACTION
Failure to Appear for On-The-Record Testimony
(FINRA Rules 8210 and 2010)

FINRA Rule 8210(a) provides that FINRA staff may “require a . . . person subject to FINRA’s jurisdiction . . . 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.”

FINRA Rule 8210(c) provides that “[n]o member or person shall fail to provide . . . testimony . . . pursuant to this Rule.”

A violation of FINRA Rule 8210 also constitutes a violation of FINRA Rule 2010, which requires associated persons in the conduct of their business to “observe high standards of commercial honor and just and equitable principles of trade.”

While subject to FINRA’s jurisdiction, Kidd failed to appear on December 7, 2021 for testimony requested pursuant to FINRA Rule 8210.

Kidd’s testimony was material to FINRA staff’s investigation into her conduct at Allstate, and her failure to provide on-the-record testimony impeded the staff’s investigation.

By virtue of the foregoing, Kidd violated FINRA Rules 8210 and 2010.

Based on the foregoing, Respondent violated FINRA Rules 8210 and 2010.

Based on these considerations, the sanctions hereby imposed by the acceptance of the Offer are in the public interest, are sufficiently remedial to deter Respondent from any future misconduct, and represent a proper discharge by FINRA, of its regulatory responsibility under the Securities Exchange Act of 1934.

SANCTIONS

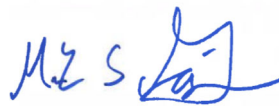
It is ordered that Respondent be barred from associating with any FINRA member.

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 Order.

SO ORDERED.

FINRA

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



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