

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER, AND CONSENT
NO. 2021070234901**

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

RE: James Moy Wing
General Securities Representative
CRD No. 3074959

Pursuant to FINRA Rule 9216, Respondent James Moy Wing (Wing) 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 in this AWC.

**I.
ACCEPTANCE AND CONSENT**

- A. Respondent accepts and consents to the following findings by FINRA without admitting or denying them:

BACKGROUND

Wing entered the securities industry in January 1998 and, through February 2017, was associated with nine FINRA member firms. During that period, Wing was registered with FINRA as an Investment Company Shares and Variable Contracts Representative, a General Securities Representative (GSR), a General Securities Principal, and an Investment Banking Representative. In March 2017, Wing became registered with FINRA as a GSR through an association with Nuveen Securities, LLC (Nuveen), a FINRA member firm. In a Uniform Termination Notice for Securities Registration (Form U5) dated February 5, 2021, Nuveen reported Wing's termination for "[v]iolation of company expense policy."

Since April 2021, Wing has been registered with FINRA as a GSR, Investment Banking Representative, and Investment Company Shares and Variable Contracts Representative through his association with two other FINRA member firms. Given his current association, Wing remains subject to FINRA's jurisdiction.¹

OVERVIEW

Wing violated FINRA Rules 8210 and 2010 by refusing to provide documents and information requested pursuant to FINRA Rule 8210 in connection with FINRA's investigation of Wing's potential conversion of funds from Nuveen by improperly expensing personal meals and travel expenses.

¹ For more information about the respondent, visit BrokerCheck® at www.finra.org/brokercheck.

FACTS AND VIOLATIVE CONDUCT

This matter originated from FINRA's review of the February 5, 2021 Form U5.

FINRA Rule 8210(a)(1) and (2) state, in relevant part, that FINRA has the right to "require a ... person associated with a member, or any other person subject to FINRA's jurisdiction to provide information orally, in writing, or electronically ... with respect to any matter involved in the investigation, complaint, examination or proceeding." FINRA Rule 8210(c) provides that "[n]o member or person shall fail to provide information ... pursuant to this Rule."

A failure to comply with requests for documents and information pursuant to FINRA Rule 8210 is also a violation of FINRA Rule 2010, which requires associated persons to "observe high standards of commercial honor and just and equitable principles of trade."

Following Wing's termination, FINRA staff commenced an investigation into allegations that Wing potentially converted funds from Nuveen by improperly expensing personal meals and travel expenses. On September 26, 2022, Enforcement sent Wing a letter pursuant to FINRA Rule 8210 (the Rule 8210 Request) requesting the production of documents and information, including telephone logs, text messages, and receipts, by October 17, 2022. The Rule 8210 Request informed Wing that a failure to produce the requested documents and information constitutes a violation of FINRA Rule 8210 exposing him to sanctions, including a bar from the securities industry. On October 12, 2022, at Wing's request, Enforcement granted Wing an extension of time to respond until October 24, 2022.

As stated to Enforcement by Wing's counsel during a phone call with FINRA on October 24, 2022, and by this agreement, Wing acknowledges that he received the Rule 8210 Request and will not produce the requested documents and information at any time.

By refusing to produce the documents and information as requested pursuant to FINRA Rule 8210, Wing violated FINRA Rules 8210 and 2010.

B. Respondent also consents to the imposition of the following sanctions:

- a bar from associating with any FINRA member in all capacities.

Respondent understands that if he is barred or suspended from associating with any FINRA member, he 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, he 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 in this AWC shall be effective on a date set by FINRA. 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 him;
- 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 its acceptance or rejection.

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

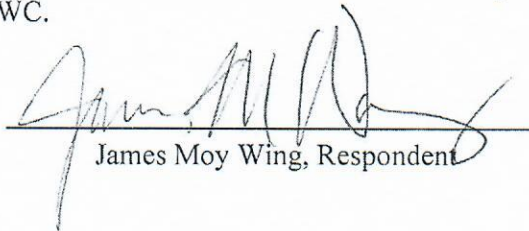
Respondent understands that:

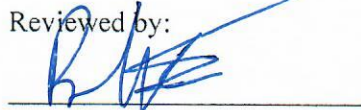
- A. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by the NAC, a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs (ODA), pursuant to FINRA Rule 9216;
- B. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against Respondent; and
- C. If accepted:
 - 1. this AWC will become part of Respondent's permanent disciplinary record and may be considered in any future action brought by FINRA or any other regulator against Respondent;
 - 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 its subject matter in accordance with FINRA Rule 8313; and
4. Respondent 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. Respondent 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 Respondent's right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party. Nothing in this provision affects Respondent's testimonial obligations in any litigation or other legal proceedings.

Respondent certifies that he has read and understands all of the provisions of this AWC and has been given a full opportunity to ask questions about it; Respondent has agreed to the AWC's provisions voluntarily; and no offer, threat, inducement, or promise of any kind, other than the terms set forth in this AWC and the prospect of avoiding the issuance of a complaint, has been made to induce him to submit this AWC.

12/5/2022
Date


James Moy Wing, Respondent

Reviewed by:

Bruce Lewitas, Esq.
Counsel for Respondent
Lewitas Hyman PC
161 N. Clark St., Suite 1600
Chicago, IL 60601
Phone: (312) 291-4604

Accepted by FINRA:

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

12/20/2022
Date


Christopher Miles
Counsel
FINRA
Department of Enforcement
200 Liberty Street, Fl. 11
New York, NY 10281