

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER, AND CONSENT
NO. 2021072548702**

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

RE: Delaina Kucish (Respondent)
Former General Securities Representative
CRD No. 4401092

Pursuant to FINRA Rule 9216, Respondent Delaina Kucish 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

Kucish entered the securities industry in May 2001 and became registered with FINRA as a General Securities Representative in July 2001 through an association with Edward D. Jones & Co., L.P. On April 3, 2023, Edward Jones filed a Uniform Termination Notice for Securities Industry Registration (Form U5) disclosing that Kucish had voluntarily terminated her association. Although Kucish is no longer registered or associated with a FINRA member, she remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.¹

OVERVIEW

Between February and July 2021, Kucish used unauthorized text messages on her personal cell phone to transmit client documents to another associated person at the firm, causing Edward Jones to fail to preserve business-related text messages as required by Section 17(a) of the Securities Exchange Act of 1934, Exchange Act Rule 17a-4(b)(4), and FINRA Rules 4511 and 2010. By causing Edward Jones to fail to preserve required books and records, Kucish violated FINRA Rules 4511 and 2010. During a subsequent firm investigation, Kucish falsely told an Edward Jones investigator that she did not send any client information or documents to the other associated person via text message, in violation of FINRA Rule 2010. During FINRA's subsequent investigation, Kucish

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

submitted a false or misleading written response to a FINRA Rule 8210 request in violation of FINRA Rules 8210 and 2010.

FACTS AND VIOLATIVE CONDUCT

This matter arose from a FINRA Rule 4530 disclosure from Edward Jones.

Kucish caused her firm to fail to preserve required books and records.

FINRA Rule 4511 requires each member to “make and preserve books and records as required under the FINRA rules, the Exchange Act and the applicable Exchange Act rules.” Section 17(a) of the Exchange Act and Exchange Act Rule 17a-4(b)(4) requires each member to preserve for a period of three years the “[o]riginals of all communications received and copies of all communications sent by the member, broker or dealer ... relating to its business as such...” An associated person who causes her member firm to fail to preserve required books and records violates FINRA Rule 4511. A violation of FINRA Rule 4511 also constitutes a violation of FINRA Rule 2010, which requires associated persons to “observe high standards of commercial honor and just and equitable principles of trade” in the conduct of their business.

Between February and July 2021, Kucish used unauthorized text messages on her personal cell phone to transmit client documents on multiple occasions to another associated person at the firm. Kucish did not disclose her use of personal text messages to Edward Jones or provide the firm with copies of her text messages, causing the firm to fail to preserve required books and records.

Therefore, Kucish violated FINRA Rules 4511 and 2010.

Kucish provided false information to her firm.

FINRA Rule 2010 encompasses any unethical, business-related misconduct, regardless of whether it involves a security. It is a basic duty of all securities professionals to respond truthfully and accurately to their firm’s requests for information. Providing false statements to a FINRA-member firm is a violation of FINRA Rule 2010.

On or about August 11, 2021, Kucish told an Edward Jones investigator that she did not send any client information or documents to another associated person at the firm via text message. This statement was false. Therefore, Kucish violated FINRA Rule 2010.

Kucish provided false information to FINRA.

FINRA Rule 8210(a) permits FINRA staff to “require a member, 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.” The failure to respond truthfully to FINRA requests for information, whether in writing or in oral testimony, constitutes a

violation of Rule 8210. An associated person who violates Rule 8210 also violates Rule 2010.

On November 29, 2021, Kucish submitted a written response to a request made pursuant to FINRA Rule 8210 that contained false or misleading information, including a false denial that she ever sent client documents via text message to another associated person at the firm. She subsequently admitted in a written response to another Rule 8210 request that she had, in fact, done so.

By providing false information to FINRA, Kucish violated FINRA Rules 8210 and 2010.

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

- a 15-month suspension from associating with any FINRA member in all capacities and
- a \$15,000 fine

The fine shall be due and payable either immediately upon reassociation with a member firm or prior to any application or request for relief from any statutory disqualification resulting from this or any other event or proceeding, whichever is earlier.

Respondent specifically and voluntarily waives any right to claim an inability to pay, now or at any time after the execution of this AWC, the monetary sanction imposed in this matter.

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 in this AWC shall be effective on a date set by FINRA.

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 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 she 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 her to submit this AWC.

5/31/23
Date

Delaina Kucish
Delaina Kucish
Respondent

Reviewed by:

Steven M. Malina
Steven M. Malina
Counsel for Respondent
Greenberg Traurig, LLP
77 West Wacker Drive
Suite 3100
Chicago, IL 60601

Accepted by FINRA:

June 1, 2023

Date

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



Justin Roeber
Counsel

FINRA

Department of Enforcement

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