

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

JASON MICHAEL POSCHINGER  
CRD No. 6450544,

Respondent.

Disciplinary Proceeding  
No. 2021073173701

Hearing Officer—MJD

**ORDER ACCEPTING OFFER OF  
SETTLEMENT**

Date: March 27, 2025

**INTRODUCTION**

Disciplinary Proceeding No. 2021073173701 was filed on October 15, 2024, by the Department of Enforcement of the Financial Industry Regulatory Authority (FINRA or Complainant). Respondent Jason Michael Poschinger submitted an Offer of Settlement (Offer) to Complainant dated March 21, 2025. 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**

From October 2017 through November 2021, Poschinger was registered with FINRA as a General Securities Representative through an association with OneAmerica Securities.

On November 8, 2021, Poschinger associated with Firm A and remained registered with FINRA as a General Securities Representative.

On November 17, 2021, OneAmerica Securities filed a Uniform Termination Notice for Securities Industry Registration (Form U5) disclosing that it had terminated Poschinger on November 2, 2021 because he "emailed customer lists with private customer information from his business email to his personal email" and the "[r]epresentative signed an affidavit attesting that all lists have been deleted from his personal email and no customer information has been taken or shared with any third party outside of the firm."

On August 7, 2023, Poschinger voluntarily terminated his association with Firm A and associated with a third FINRA member firm (Firm B).

On April 25, 2024, Firm B filed a Uniform Termination Notice for Securities Industry Registration (Form U5) disclosing that it had discharged Poschinger on April 18, 2024 "per terms of [an] independent contract agreement."

Although Poschinger is no longer registered or associated with a FINRA member, he 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 April 25, 2024, which was the effective date of termination of Poschinger's registration with Firm B

and (2) the Complaint charges him with misconduct committed while he was 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**

From September through November 2021, Respondent Jason Michael Poschinger, while registered with FINRA through an association with FINRA member firm OneAmerica Securities, Inc. (OAS) (BD No. 4173) downloaded from the firm's computer systems confidential information that constituted nonpublic personal customer information and sent the customer data to two non-firm email addresses that he controlled and provided the information to another FINRA member firm (Firm A) for his own benefit. The information related to over 1,300 OneAmerica Securities customer accounts and included customer names, Social Security numbers, phone numbers, addresses, birth dates, account numbers, and account values for over 600 customers. Poschinger did not inform OneAmerica Securities that he was taking the information and he did not give the customers notice and opportunity to prevent the transfer of their information. By virtue of the foregoing, Poschinger violated FINRA Rule 2010.

In November 2021, OneAmerica Securities discovered that Poschinger had transmitted nonpublic personal customer information away from the firm and terminated him. After his termination, OneAmerica Securities requested that Poschinger sign an affidavit attesting that he had not and would not share the nonpublic personal customer information with any third party, that he had permanently and completely deleted the nonpublic personal customer information, that he no longer had any nonpublic personal customer information in his possession, and that he would not use any of the nonpublic personal customer information to contact OneAmerica

Securities' customers. Poschinger signed the affidavit and affirmed that the representations were true.

The statements to which Poschinger attested, however, were false. Before signing the affidavit, Poschinger had transmitted nonpublic personal customer information concerning over 1,300 OneAmerica Securities customer accounts to Poschinger's new business email address at Firm A and submitted nonpublic personal customer information concerning over 600 customers to the firm's operations personnel to identify them as his clients. Poschinger thereafter used the nonpublic personal customer information to contact over 600 OneAmerica Securities customers and notify them that he had moved to a new member firm, and later contacted certain of them further to request that they move their business to Firm A. Poschinger's false attestations to OneAmerica Securities violated FINRA Rule 2010.

In November 2021, Poschinger provided the nonpublic personal customer information to Firm A pursuant to his execution of a Statutory Agent Agreement. The signed agreement contained representations and warranties by Poschinger that the customer information that he provided was either publicly available or known to Poschinger independently of his association with OneAmerica Securities and that he had not copied or taken the information from OneAmerica Securities.

These statements were also false. In fact, the customer information was not publicly available and known to Poschinger independent of his association with OneAmerica Securities, and he had copied and taken the information from OneAmerica Securities. The customers whose information had been shared had an existing affiliation with OneAmerica Securities prior to their introduction to and interaction with Poschinger. By making false statements to Firm A, Poschinger violated FINRA Rule 2010.

Between January 2018 and November 2021, while associated with OneAmerica Securities, Poschinger opened four accounts at other FINRA member firms and one account at another financial institution in which securities transactions could be effected and in which he held a beneficial interest. Prior to opening the accounts, Poschinger did not seek or receive the prior written consent of OneAmerica Securities. By virtue of the foregoing, Poschinger violated FINRA Rules 3210 and 2010.

## **FACTS**

### ***Poschinger Downloaded and Emailed Himself Nonpublic Personal Information of Hundreds of Customers from his FINRA Member Firm***

On or around September 29, 2021, while associated with OneAmerica Securities, Poschinger received an employment offer from Firm A, which Poschinger accepted.

During September, October, and November 2021, Poschinger downloaded files from OneAmerica Securities' databases containing customer names, Social Security numbers, phone numbers, addresses, birth dates, account numbers, and account values and began emailing the files to two non-firm email accounts that he controlled. The files included over 600 Social Security numbers, as well as account numbers and balances for over 1,300 customer accounts.

Poschinger was not authorized by OneAmerica Securities or by the affected customers to take this information. The firm's written supervisory procedures prohibited its removal.

Poschinger obtained the nonpublic personal customer information solely through his association with OneAmerica Securities. The customers were individuals who had employer-sponsored 403(b) or 401(k) retirement savings plans managed by OneAmerica Securities and were eligible to roll over those accounts to individual retirement accounts administered by the firm because the individuals were no longer employed by the 403(b) or 401(k) plan sponsor. Poschinger's job responsibilities at OneAmerica Securities included contacting such individuals

at the firm's request, informing them that they were eligible to roll over their 403(b) or 401(k) employer-sponsored accounts to individual retirement accounts at OneAmerica Securities, and assisting them with the roll over process. Poschinger did not bring any of his own customers to OneAmerica Securities or know any of the customers independent of his association with the firm.

On September 29, 2021, on or around the day that he received the employment offer from Firm A, Poschinger sent one unencrypted email from his OneAmerica Securities email account to one non-firm personal email account that he controlled. The September 29, 2021 email attached two Excel spreadsheets with names indicating that they were results of searches run to identify customers associated with certain OneAmerica Securities representative codes and containing nonpublic personal customer information. The Excel spreadsheets contained customers' names, account numbers, Social Security numbers, addresses, telephone numbers, and account values for over 1,300 OneAmerica Securities customer accounts.

On October 8, 2021, Poschinger sent one unencrypted email from his OneAmerica Securities email account to two non-firm personal email accounts that he controlled. The October 8, 2021 email attached a zip file that contained 127 OneAmerica Securities customer profile PDF files. The PDF files contained nonpublic personal customer information including OneAmerica Securities customers' account numbers, Social Security numbers, birth dates, telephone numbers, account registration information, and the customers' financial suitability profiles.

On October 13, 2021, Poschinger sent one unencrypted email from his OneAmerica Securities email account to two non-firm personal emails accounts that he controlled. The October 13, 2021 email attached four zip files that contained 176 OneAmerica Securities customer profile PDF files. The PDF files contained nonpublic personal customer information

including OneAmerica Securities customers' account numbers, Social Security numbers, birth dates, telephone numbers, account registration information, and the customers' financial suitability profiles.

On October 14, 2021, Poschinger sent one unencrypted email from his OneAmerica Securities email account to two non-firm personal email accounts that he controlled. The October 14, 2021 email attached one Excel spreadsheet containing nonpublic personal customer information for over 400 OneAmerica Securities customers, including customer names, phone numbers, addresses, and email addresses.

On October 21, 2021, Poschinger sent one unencrypted email from his OneAmerica Securities email account to two non-firm personal email accounts that he controlled. The October 21, 2021 email attached a zip file that contained seven Excel spreadsheets, among other documents. The seven Excel spreadsheets contained nonpublic personal customer information for over 1,300 OneAmerica customer accounts, including customer names, Social Security numbers, phone numbers, home addresses, email addresses, account numbers, account values, and account holdings.

On October 22, 2021, Poschinger sent one unencrypted email from his OneAmerica Securities email account to two non-firm personal email accounts that he controlled. The October 22, 2021 email attached one Excel spreadsheet containing nonpublic personal customer information for over 400 OneAmerica Securities customers, including customer names, phone numbers, addresses, and email addresses, which were consolidated from the Excel spreadsheets that Poschinger previously had transmitted to himself.

On October 27, 2021, Poschinger sent one unencrypted email from his OneAmerica Securities email account to two non-firm personal email accounts that he controlled. The October

27, 2021 email attached one zip file that contained 109 OneAmerica Securities customer profile PDF files. The PDF files contained nonpublic personal customer information including OneAmerica Securities customers' account numbers, Social Security numbers, birth dates, telephone numbers, account registration information, and the customers' financial suitability profiles.

On November 2, 2021, Poschinger sent one unencrypted email from his OneAmerica Securities email account to two non-firm personal email accounts that he controlled. The November 2, 2021 email attached one Excel spreadsheet containing nonpublic personal customer information for over 330 OneAmerica Securities customers, including customer names, phone numbers, addresses, and email addresses, which were consolidated from the Excel spreadsheets that Poschinger previously had transmitted to himself.

On November 2, 2021, OneAmerica Securities terminated Poschinger's employment for violating the firm's policies by emailing nonpublic personal customer information to Poschinger's two non-firm personal email accounts.

On November 8, 2021, Poschinger associated with Firm A. The same day, Poschinger forwarded multiple of the above-mentioned emails and attachments from his personal email addresses to his new Firm A business email address. Poschinger forwarded the October 21, 2021 email and attached zip file that contained seven Excel spreadsheets and the October 27, 2021 email and attachment containing 109 customer profile PDF files, among others that he had emailed to himself from OneAmerica Securities.

On the morning of November 9, 2021, Poschinger transmitted OneAmerica Securities nonpublic personal customer information to Firm A personnel. Poschinger emailed two Excel spreadsheets to Firm A personnel to be submitted as his list of clients that would be contacted

and informed of Poschinger's move to Firm A. The two Excel files contained over 600 OneAmerica Securities customer names, addresses, phone numbers, and email addresses. The customer names, addresses, phone numbers, and email addresses were taken from OneAmerica Securities' computer systems. The Excel file names also contained the OneAmerica Securities representative codes that corresponded to Poschinger and another former OneAmerica Securities representative.

***Poschinger Signed an Affidavit from OneAmerica Securities  
That Included False Statements About His Misconduct***

On November 9, 2021, at the request of OneAmerica Securities, Poschinger signed an "Affidavit of Jason Poschinger" provided to him by OneAmerica Securities (the November 9 Affidavit).

The November 9 Affidavit concerned the nonpublic personal customer information that Poschinger had sent from his OneAmerica Securities business email account to two non-firm personal email accounts controlled by Poschinger, and stated that Poschinger "had access to confidential and proprietary information, documents, records, and data regarding [OneAmerica Securities affiliate AUL], [OneAmerica Securities, Inc.] OAS, and/or existing or prospective customers, including but not limited to the following: customer personally identifiable information, customer lists containing contact information, customer account files, customer account numbers, customer account balances and customer account investment holdings (the 'Confidential Information')."

The November 9 Affidavit further stated that "I have not shared and will not share any Confidential Information with any third parties outside of OAS or AUL" and that "I have permanently and completely deleted all Confidential Information sent to, received, or deleted

[sic] from my personal and business email accounts, including but not limited to” Poschinger’s two non-firm personal email addresses.

The November 9 Affidavit further stated that “I have permanently and completely deleted all Confidential Information sent to, accessed, or stored on all electronic devices within my possession, custody, or control, including but not limited to: any computers, laptops, mobile devices, smart phones, or tablets.”

The November 9 Affidavit further stated that “I do not have any Confidential Information in my possession, custody or control and will not view or use any Confidential Information to make contact with OAS or AUL customers at any point after my employment with AUL terminated.”

Poschinger affirmed in the November 9 Affidavit “under the penalties of perjury that the foregoing representations are true” and electronically signed it and submitted it to OneAmerica Securities.

Each of the of the foregoing representations in the paragraphs above were false. Poschinger in fact possessed a significant amount of Confidential Information, and on November 8, 2021, the day before he signed the affidavit, had already transmitted nonpublic personal customer information to a third party by emailing customer information to his Firm A business email address.

Further, on the morning of November 9, 2021, before he signed the affidavit, Poschinger also transmitted additional nonpublic personal customer information to a third party by emailing it to Firm A personnel as part of his Statutory Agent Agreement. Poschinger also had not deleted the nonpublic personal customer information from his Firm A business email address.

Additionally, while associated with Firm A, Poschinger contacted over 600 OneAmerica Securities customers to notify them of his move to Firm A, contrary to his representations that he would not contact OneAmerica Securities' customers at any point after his termination. He contacted certain of those customers again to seek that they move their business to Firm A.

***Poschinger Makes False Statements in Writing to Firm A***

On or around November 9, 2021, Poschinger signed a Statutory Agent Agreement Schedule A, which was provided by Firm A to Poschinger for him to list all customers that he may potentially bring to Firm A. Poschinger appended two Excel files to his Statutory Agent Agreement Schedule A, which contained over 600 OneAmerica Securities customer names, addresses, phone numbers, and email addresses. The customer names, addresses, phone numbers, and email addresses were taken from OneAmerica Securities' computer systems.

The Statutory Agent Agreement Schedule A included representations and warranties by Poschinger regarding the source of the customer information. Schedule A required that Poschinger "represent and warrant to [Firm A] that the foregoing names that You are providing to [Firm A] are publicly available or are known to You independently of Your association with Your prior firm, and have not been copied or taken from Your prior firm."

On or around November 9, 2021, Poschinger signed and submitted to Firm A the Statutory Agent Agreement Schedule A, making the foregoing representations and warranties to Firm A.

Poschinger's representations and warranties were false. The customer information appended to the Statutory Agent Agreement Schedule A by Poschinger was not publicly available or known to Poschinger independently of his prior association with OneAmerica

Securities and in fact, the customer information had been copied and taken from OneAmerica Securities.

***While Associated with OneAmerica Securities and Without Prior Written Consent, Poschinger Opened Four Unapproved Accounts at Other Broker Dealers and One at a Financial Institution***

While associated with OneAmerica Securities and without prior written consent from the firm, Poschinger opened four accounts at other FINRA member firms and an account at a financial institution in which securities transactions could be effected and in which he had a beneficial interest.

In October 2018, Poschinger opened a brokerage account with FINRA member firm, Firm C, account number ending x2517.

In February 2021, Poschinger opened a securities account with Financial Institution A, a real estate investment platform, account number ending x0210. The account was one in which securities transactions could be effected and in which he had a beneficial interest.

In March 2021, Poschinger opened one Roth IRA with FINRA member firm, Firm D, account number ending x3467.

In April 2021, Poschinger opened a brokerage account with Firm D, account number ending x7790.

In September 2021, Poschinger opened a rollover IRA account with Firm D, account number ending x6162.

Poschinger held a beneficial interest in each of the five securities accounts, which he opened for his own use.

Poschinger did not disclose any of the five accounts to OneAmerica Securities at any time and did not receive prior written consent of the firm to open the accounts.

In December 2018, January 2020, and December 2020, Poschinger completed annual compliance questionnaires for OneAmerica Securities. In the questionnaires, Poschinger was provided with a list of outside securities accounts that did not include the brokerage account held at Firm C and was asked whether any outside securities accounts needed to be added to the list. Each time, Poschinger responded “No.” Poschinger did not disclose any of the five accounts identified in Paragraphs 42 through 46 before or after their opening.

The five accounts remained open until at least November 2, 2021, when OneAmerica Securities terminated Poschinger.

**FIRST CAUSE OF ACTION**  
**Unethical Conduct in the Conduct of Business**  
**(FINRA Rule 2010)**

FINRA Rule 2010 requires that members and associated persons, in the conduct of their business, “observe high standards of commercial honor and just and equitable principles of trade.”

FINRA Rule 2010 establishes a broad ethical mandate for persons engaged in the securities industry. Even in the absence of a violation of another FINRA rule or securities laws, a person violates Rule 2010 if he or she acts unethically or in bad faith.

Registered persons have a duty to maintain the confidentiality of customers’ nonpublic personal information, and breaching that duty violates FINRA Rule 2010.

A registered representative who retains nonpublic personal information about a customer after departing his firm violates FINRA Rule 2010.

Additionally, a registered representative who shares nonpublic personal information about a customer with a new member firm violates FINRA Rule 2010.

Poschinger downloaded from OneAmerica Securities’ computer systems confidential information related to over 1,300 OneAmerica Securities customer accounts that included

customer names, Social Security numbers, phone numbers, addresses, birth dates, account numbers, and account values for over 600 customers. Poschinger did not inform OneAmerica Securities that he was taking the information and he did not give the customers notice and opportunity to prevent the transfer of their information. Instead, Poschinger sent the customer data to two non-firm email addresses that he controlled and provided the information to Firm A for his own benefit.

The information that Poschinger transmitted from OneAmerica Securities included nonpublic personal customer information under the Regulation S-P privacy rules promulgated under Section 504 of the Gramm-Leach-Bliley Act, 17 C.F.R. § 248.

As a result of the foregoing conduct, Poschinger violated FINRA Rule 2010.

**SECOND CAUSE OF ACTION  
False Statements to OneAmerica Securities  
(FINRA Rule 2010)**

In November 2021, Poschinger signed an affidavit from OneAmerica Securities attesting that he had not and would not share the nonpublic personal customer information with any third party, that he had permanently and completely deleted the nonpublic personal customer information, that he no longer had any nonpublic personal customer information in his possession, and that he would not use any of the nonpublic personal customer information to contact OneAmerica Securities' customers.

Poschinger's attestations were false. Before signing the affidavit, Poschinger had transmitted nonpublic personal customer information concerning over 1,300 OneAmerica Securities customer accounts to Poschinger's new business email address at Firm A, submitted nonpublic personal customer information concerning over 600 customers to the firm's operations personnel to identify them as his clients, and did not delete the information. Poschinger thereafter used the nonpublic personal customer information to contact over 600 OneAmerica Securities

customers, notify them that he had moved to a new member firm, and invite certain of them to transition their business to Firm A.

As a result of the foregoing conduct, Poschinger violated FINRA Rule 2010.

**THIRD CAUSE OF ACTION  
False Statements to FINRA Member Firm A  
(FINRA Rule 2010)**

In November 2021, Poschinger provided nonpublic personal customer information to Firm A along with a signed Statutory Agent Agreement Schedule A. The signed agreement contained representations and warranties by Poschinger that the customer information that he provided was either publicly available or known to Poschinger independently of his association with OneAmerica Securities and that he had not copied or taken the information from OneAmerica Securities.

Poschinger's representations and warranties were false. In fact, the customer information was not publicly available and known to Poschinger independently of his association with OneAmerica Securities, and he had copied and taken the information from OneAmerica Securities. The customers had an existing affiliation with OneAmerica Securities and were only known to Poschinger through his association with OneAmerica Securities.

As a result of the foregoing conduct, Poschinger violated FINRA Rule 2010.

**FOURTH CAUSE OF ACTION  
Unapproved Accounts at Other Broker-Dealers and Financial Institutions  
(FINRA Rules 3210 and 2010)**

FINRA Rule 3210(a) provides that "[n]o person associated with a member ('employer member') shall, without the prior written consent of the member, open or otherwise establish at a member other than the employer member ('executing member'), or at any other financial

institution, any account in which securities transactions can be effected and in which the associated person has a beneficial interest.”

A violation of FINRA Rule 3210 is also a violation of FINRA Rule 2010.

Between January 2018 and November 2021, while associated with OneAmerica Securities, Poschinger opened four accounts at other FINRA member firms and one account at another financial institution in which securities transactions could be effected and in which he held a beneficial interest. Poschinger did not seek or receive the prior written consent of OneAmerica Securities to open the five accounts.

Based on the foregoing, Respondent violated FINRA Rules 2010 and 3210.

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 sanctioned as follows:

- A suspension from association with any FINRA member in all capacities for six months; and
- A fine of \$20,000.

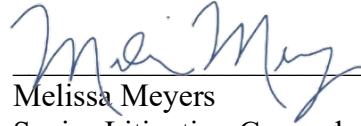
The fine shall be due and payable either immediately upon re-association with a member firm or prior to any application or request for relief from any statutory disqualification resulting from this or any other event or proceeding, whichever is earlier.

The sanctions imposed herein shall be effective on a date set by FINRA staff.

SO ORDERED.

FINRA

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



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