

NASD
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. E8A20040925

TO: Department of Enforcement
NASD

RE: James Vura, Jr.
Limited Registered Representative
CRD Number: 2318119

Pursuant to Rule 9216 of the National Association of Securities Dealers, Inc., ("NASD") Code of Procedure, I submit this Letter of Acceptance, Waiver and Consent ("AWC") for the purpose of proposing a settlement of the alleged rule violations described in Part II below. This AWC is submitted on the condition that, if accepted, NASD will not bring any future actions against me alleging violations based on the same factual findings.

I understand that:

1. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by NASD's Department of Enforcement, and the National Adjudicatory Council ("NAC"), pursuant to NASD Rule 9216;
2. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against me; and
3. If accepted:
 - a. this AWC will become part of my permanent disciplinary record and may be considered in any future actions brought by the NASD or any other regulator against me;
 - b. this AWC will be made available through NASD's public disclosure program in response to public inquiries about my disciplinary records;
 - c. NASD may make a public announcement concerning this agreement and the subject matter thereof in accordance with NASD Rule 8310 and IM-8310-2; and,
 - d. I 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 allegation in this AWC or create the impression that the AWC is without factual basis. Nothing in this provision affects my testimonial obligations or right to take legal positions in litigation in which the NASD is not a party.

I also understand that my experience in the securities industry and disciplinary history may be factors which will be considered in deciding whether to accept this AWC. That experience and history are as follows:

James Vura Jr. ("Vura") entered the securities industry in October 1993 as an Investment Company and Variable Contracts Products Representative with a member of NASD. In August 1998, he became registered in the same capacity with Horner, Townsend and Kent ("Member"). In September 2004, he was terminated by the Member. He is not currently registered with any member of the NASD. Vura has no history of disciplinary proceedings.

I.

WAIVER OF PROCEDURAL RIGHTS

I specifically and voluntarily waive the following rights granted under the NASD's Code of Procedure:

- A. To have a Formal Complaint issued specifying the allegations against me;
- B. To be notified of the Formal 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 NAC and then to the U.S. Securities and Exchange Commission and a U.S. Court of Appeals.

Further, I specifically and voluntarily waive any right to claim bias or prejudgment of the General Counsel, 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.

I further specifically and voluntarily waive any right to claim that a person violated the *ex parte* prohibitions of Rule 9143 or the separation of functions prohibitions of 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.

II.

ACCEPTANCE AND CONSENT

- A. I hereby accept and consent, without admitting or denying the alleged violations, and solely for the purposes of this proceeding and any other proceedings brought by or on behalf of NASD, or to which NASD is a party, to the entry of the following findings by NASD:

1. On or about June 17, 2002, the Department of Insurance for the State of Illinois notified me in writing that my insurance license could be suspended for failing to pay an outstanding balance involving a state income tax liability.

2. I failed to submit an amended Form U-4 disclosing that I had been notified in writing that I was the subject of an investigation that could result in the entry of an order by a state insurance commission barring me from engaging in the business of insurance, when I was obligated to make such disclosure within thirty days of June 17, 2002, the date on which I learned about the facts giving rise to the amendment, in contravention of Article V, Section 2(c) of the NASD's By-Laws and in violation of NASC Conduct Rule 2110 and NASD Membership and Registration Rule IM-1000-1.

- B. I also consent to the imposition, at a maximum, of a three-month suspension from association with any member of the NASD in any capacity, and a fine of \$5,000. The fine shall be due and payable either immediately upon joining a member firm following the one-year suspension noted above, or prior to any application requesting relief from a 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 NASD staff.

III.

OTHER MATTERS

- A. I understand that I may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. I understand that I may not deny the charges or make any statement that is inconsistent with the AWC in this Statement. This Statement does not constitute factual or legal findings by NASD, nor does it reflect the views of NASD, or its staff.
- B. I agree to pay any monetary sanctions imposed on me, due upon entry as noted above, and have attached an Election of Payment form showing the method by which I propose to pay any fine imposed.
- C. I specifically and voluntarily waive any other right to claim that I am unable to pay, now or at any time hereafter, any monetary sanction imposed in this matter.
- D. I understand that if I am barred or suspended from associating with any NASD member, I become subject to a statutory disqualification, as that term is defined in Section 3(a)(39) of the Securities Exchange Act of 1934, as amended. Accordingly, I may not be associated with any NASD member in any capacity, including clerical or ministerial functions, during the period of the bar or suspension. (See NASD Rule 8310 and IM-8310-1)

I certify that I have read and understand all of the provisions of this AWC and have been given a full opportunity to ask questions about it, and that no offer, threat, inducement, or promise of any kind, other than the terms set forth herein, has been made to induce me to submit it.

6/28/05
Date

Date _____

James Vura
James Vura Jr.
Limited Registered Representative

James Vura Jr.

Limited Registered Representative

Reviewed by:

Counsel for Respondent(s)

Accepted by NASD:

July 7, 2005
Date

Date _____


Carlotta A. Romano
Senior Vice President and Regional Director

Carlotta A. Romano

Senior Vice President and Regional Director