

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 2017056673501**

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

RE: Julie Ann Mineard, Respondent  
General Securities Representative  
CRD No. 3230787

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Respondent Julie Ann Mineard ("Mineard" or "Respondent") 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 herein.

**I.**

**ACCEPTANCE AND CONSENT**

- A. Respondent hereby accepts and consents, without admitting or denying the findings, 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, prior to a hearing and without an adjudication of any issue of law or fact, to the entry of the following findings by FINRA:

**BACKGROUND**

Mineard became employed by Merrill Lynch Pierce Fenner & Smith Incorporated ("Merrill Lynch" or the "Firm"), a FINRA regulated broker-dealer, in 1999. She became registered with the Firm as a General Securities Representative in 2001. The Firm filed a Uniform Termination Notice for Securities Registration (Form U5) terminating Mineard's registration on December 6, 2017, for, among other things, loss of management's confidence related to Mineard's inaccurate characterization of disbursements from an employee's account. Although Mineard has not reassociated with another FINRA regulated broker-dealer, pursuant to Article V, Section 4(a) of FINRA's By-Laws, FINRA retains jurisdiction over Mineard.

**RELEVANT DISCIPLINARY HISTORY**

Respondent does not have any disciplinary history with the Securities and Exchange Commission, any state securities regulators, FINRA, or any other self-regulatory organization.

## **OVERVIEW**

From July through September 2017, Mineard converted and improperly used approximately \$24,044 that she obtained from a co-worker's brokerage account held at the Firm, in violation of FINRA Rules 2150 and 2010.

## **FACTS AND VIOLATIVE CONDUCT**

Beginning in 2004, Mineard was employed in the Firm's Seattle, Washington branch office as a Registered Senior Client Associate. Mineard's duties included opening new accounts, transferring accounts from other firms, and processing disbursements from customer accounts. At the end of 2006, Mineard was assigned to work with IH, a Firm General Securities Representative. Mineard routinely assisted IH in paying his personal bills by making check requests for disbursements from IH's Firm brokerage account.

On three dates during the period from July through September 2017, Mineard submitted four check requests for the disbursement of funds from one of IH's brokerage accounts at the Firm (the "IH Account"). Mineard inputted requests into the Firm's online check request system to direct disbursements totaling approximately \$24,044 from the IH Account to Mineard's personal bank accounts (the "Check Requests"). The Check Requests were made without IH's prior knowledge or authorization.

As a result of the Check Requests, funds were disbursed from the IH Account in the amounts of \$4,744.02, \$2,500, \$3,800, and \$13,000, and deposited to bank accounts belonging to Mineard. Mineard subsequently used these funds for her personal expenses.

### **Conversion and Misuse of Customer Funds**

FINRA Rule 2150 states that "[n]o member or person associated with a member shall make improper use of a customer's securities or funds."

FINRA Rule 2010 provides that "[a] member, in the conduct of its business, shall observe high standards of commercial honor and just and equitable principles of trade." A violation of FINRA Rule 2150 violates FINRA Rule 2010.

Mineard converted and improperly used approximately \$24,044 from the IH Account by submitting the Check Requests without IH's authorization or consent, and depositing funds from the IH Account to her personal bank accounts. She utilized such funds for her own personal use and benefit.

By virtue of the foregoing, Respondent violated FINRA Rules 2150 and 2010.

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

A bar from association with any FINRA regulated broker-dealer in any capacity.

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 herein shall be effective on a date set by FINRA staff. 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 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 acceptance or rejection of this AWC.

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**

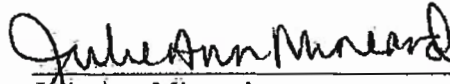
Respondent understands that:

- 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(s); 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(s);
  - 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 the subject matter thereof 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: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.

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 herein and the prospect of avoiding the issuance of a Complaint, has been made to induce her to submit this AWC.

11/13/19  
Date

  
Julie Ann Mincard  
Respondent


Reviewed by:

Mark Davis, Esq.  
Counsel for Respondent  
Dethlefs Sparwasser Reich Dickerson  
100 Second Avenue South, Suite 190  
Edmonds, Washington 98020

Accepted by FINRA:

11/15/19  
Date

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

  
Adeline Liu  
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FINRA Department of Enforcement  
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