

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER, AND CONSENT  
NO. 2022073798801**

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

RE: David Robert McDonnell (Respondent)  
Former General Securities Representative  
CRD No. 1757401

Pursuant to FINRA Rule 9216, Respondent David McDonnell 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**

McDonnell first registered with FINRA in 1987. In January 2016, McDonnell registered with FINRA as a General Securities Representative, Investment Company and Variable Contracts Products Representative, and Investment Company Products/Variable Contracts Principal through an association with TCFG Wealth Management, LLC (CRD No. 164153). On January 14, 2022, TCFG filed a Uniform Termination Notice for Securities Industry Registration (Form U5) stating that it had terminated McDonnell's employment because he had "[p]articipated in a private securities transition [sic] by issuing promissory notes [and] [c]onducted a[n] Outside Business Activity by serving as a Trustee of a trust ..."

McDonnell is not currently registered or associated with any FINRA member firm. However, he remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.<sup>1</sup>

**OVERVIEW**

McDonnell refused to provide documents and information that FINRA requested pursuant to FINRA Rule 8210, in violation of FINRA Rules 8210 and 2010.

---

<sup>1</sup> For more information about the respondent, visit BrokerCheck® at [www.finra.org/brokercheck](http://www.finra.org/brokercheck).

## **FACTS AND VIOLATIVE CONDUCT**

This matter originated from FINRA's review of the Form U5 filed by TCFG.

FINRA Rule 8210(a)(1) states, in relevant part, that FINRA may "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 [a FINRA] investigation [or] examination ...." FINRA Rule 8210(c) further states that "[n]o member or person shall fail to provide information ... pursuant to this Rule." A violation of FINRA Rule 8210 is also a violation of FINRA Rule 2010, which requires member firms and their associated persons in the conduct of their business to "observe high standards of commercial honor and just and equitable principles of trade."

On February 18, 2022, in connection with an investigation into the circumstances giving rise to his termination from TCFG, FINRA sent a request to McDonnell for the production of information and documents pursuant to FINRA Rule 8210. As stated in his email to FINRA dated March 7, 2022, and by this agreement, McDonnell acknowledges that he received FINRA's request and will not produce the information or documents requested. By refusing to produce the information or documents as requested pursuant to FINRA Rule 8210, McDonnell violated FINRA Rules 8210 and 2010.

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 understands and acknowledges that FINRA does not represent or advise him and Respondent cannot rely on FINRA for legal advice. 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.

March 15, 2022

\_\_\_\_\_  
Date

*David Robert McDonnell*

\_\_\_\_\_  
David Robert McDonnell  
Respondent

Accepted by FINRA:

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

March 22, 2022

\_\_\_\_\_  
Date

*Adrienne Dahrouge*

\_\_\_\_\_  
Adrienne Dahrouge  
Counsel  
FINRA  
Department of Enforcement  
200 Liberty Street  
New York, NY 10281