

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 2015046621101**

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

**RE:** Ronald F. Paull III, Respondent  
Former Registered Representative  
CRD No. 2968273

Pursuant to FINRA Rule 9216 of FINRA's 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 below. This AWC is submitted on the condition that, if accepted, FINRA will not bring any future actions against me alleging violations based on the same factual findings described herein.

**I.**

**ACCEPTANCE AND CONSENT**

- A. I hereby accept and consent, 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**

Ronald F. Paull III ("Paull" or "Respondent") first entered the securities industry in October 1997. From July 31, 2012 to August 6, 2015, Paull was associated with LPL Financial LLC ("LPL" or "Firm"), a FINRA member. At the Firm, Respondent maintained the following registrations: General Securities Representative (Series 7), Investment Company Products/Variable Contracts (Series 6), Uniform Securities Agent State Law (Series 63), and Uniform Combined State Law (Series 66). The Firm terminated Respondent by Form U5 filed on August 14, 2015. Paull has been registered with Cambridge Investment Research, Inc. since September 2015.

Respondent has no previous disciplinary history.

**FACTS AND VIOLATIVE CONDUCT**

NASD Rule 2510(b) provides that no person associated with a member shall exercise discretion in a customer account without the customer's prior written

authorization. The rule applies to discretionary trades executed in the separate account of a variable annuity.

While at LPL, Paull sold and serviced variable annuity accounts for approximately 80 of his customers. In July 2014, Paull began contacting these customers and obtaining their verbal permission to discretionarily rebalance their variable annuity's separate account on a quarterly basis for a period of one year. By February 2015, 71 customers had agreed to Paull's request, though in each case, Paull failed to obtain written authorization from the customer and LPL had not accepted the customers' accounts as discretionary accounts.

From September 2014 through June 2015, Paull exercised discretion when rebalancing variable annuity accounts for customers that had verbally consented to this arrangement. LPL was unaware of Paull's conduct until June 29, 2015 when, during an internal branch exam of Paull's office, Paull voluntarily disclosed to LPL his practice of obtaining standing, verbal authorization to discretionarily rebalance customers' variable annuity subaccounts. After learning of Paull's activity, the Firm instructed him to stop placing discretionary trades and terminated his registration.

By exercising discretion without written authorization, Paull violated NASD Rule 2510(b) and FINRA Rule 2010.

B. I also consent to the imposition of the following sanctions:

- A 10 business day suspension from associating with any FINRA member in any capacity; and,
- A \$5,000 fine.

The fine shall be due and payable either immediately upon reassociation with a member firm following the 10 business day suspension noted above, 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.

I specifically and voluntarily waive any right to claim that I am unable to pay, now or at any time hereafter, the monetary sanction imposed in this matter.

I understand that if I am barred or suspended from associating with any FINRA member, I become 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, I 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.

## II.

### WAIVER OF PROCEDURAL RIGHTS

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

- A. To have a Complaint issued specifying the allegations against me;
- 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, I specifically and voluntarily waive 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.

I further specifically and voluntarily waive 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

I understand 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 me; and

C. If accepted:

1. this AWC will become part of my permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against me;
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. 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 finding in this AWC or create the impression that the AWC is without factual basis. I 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 my: (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.

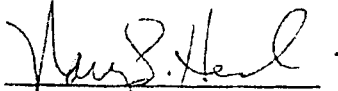
- D. I may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. I understand that I may not deny the charges or make any statement that is inconsistent with the AWC in this Statement. This Statement does not constitute factual or legal findings by FINRA, nor does it reflect the views of FINRA or its staff.

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; that I have agreed to its provisions voluntarily; and that 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 me to submit it.

11-8-16  
Date (mm/dd/yyyy)

  
Ronald F. Paull III, Respondent

Reviewed by:



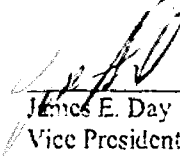
Nancy L. Hendrickson  
Hendrickson Law Firm  
120 North LaSalle Street, Suite 2000  
Chicago, Illinois 60602  
(312) 332-0855

Accepted by FINRA:

12/17/16

Date

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



James E. Day  
Vice President and Chief Counsel  
FINRA Department of Enforcement  
15200 Omega Drive, 3<sup>rd</sup> Floor  
Rockville, MD 20850-3241  
(301) 258-8520