

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 2016049765601**

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

**RE: Nathan D. Bartow, Respondent  
General Securities Representative  
CRD No. 4805130**

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Nathan D. Bartow ("Bartow") 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**

Bartow entered the securities industry in May 2004. He acquired his Series 6 (Investment Company and Variable Contracts Products Representative), Series 7 (General Securities Representative) and Series 66 (NASAA Uniform Combined State Law Examination) licenses in December 2004, January 2008 and April 2013, respectively. From May 2004 to April 2016, Bartow was associated with three FINRA member firms, including Fifth Third Securities, Inc. (the "Firm").

In a Uniform Termination Notice for Securities Industry Registration ("Form U5") dated April 25, 2016, the Firm reported that Bartow's employment was terminated on April 6, 2016. In a Form U5 Amendment dated April 26, 2016, the Firm reported that Bartow was the subject of a complaint filed by non-Firm customer, HM, who alleged that Bartow negligently managed and converted HM's investment assets. Bartow's registration with FINRA ended on April 25, 2016.

Although Bartow is not currently associated with a FINRA member firm, he remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of the FINRA By-Laws.

### **RELEVANT DISCIPLINARY HISTORY**

Bartow has no prior relevant disciplinary history.

### **OVERVIEW**

Bartow failed to provide documents and information requested by FINRA Enforcement staff pursuant to FINRA Rule 8210, in violation of FINRA Rules 8210 and 2010.

### **FACTS AND VIOLATIVE CONDUCT**

On May 25, 2016, during the course of an investigation into the allegations contained in the above-referenced Form U5 Amendment, Enforcement staff sent Bartow a letter, pursuant to FINRA Rule 8210, requesting that he provide documents and information by June 2, 2016 ("8210 Request").

During a phone call on June 2, 2016, Bartow's counsel requested, and Enforcement staff granted, an extension of time through June 9, 2016 for Bartow to respond to the 8210 Request.

On June 9, 2016, by voicemail and email to Enforcement staff, Bartow's counsel informed staff that Bartow would not provide the requested documents and information. By this agreement, Bartow acknowledges that he received the 8210 Request and that he will not provide the requested documents and information at any time.

FINRA Rule 8210 authorizes FINRA, for purposes of conducting an investigation, to require a person associated with a FINRA member to "provide information orally, in writing, or electronically...with respect to any matter involved in the investigation..."

FINRA Rule 2010 requires an associated person to observe high standards of commercial honor and just and equitable principles of trade.

By failing to provide documents and information as requested by FINRA Enforcement staff pursuant to FINRA Rule 8210, Bartow violated FINRA Rules 8210 and 2010.

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

A bar from associating with any FINRA member firm in any capacity.

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. A bar or expulsion shall become effective upon approval or acceptance of this AWC.

## 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**

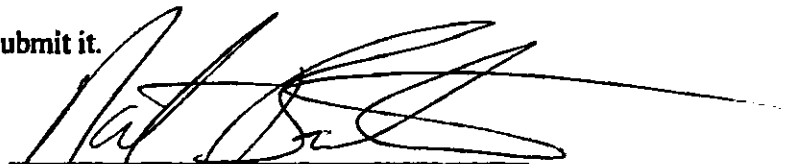
I understand that:

- 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.

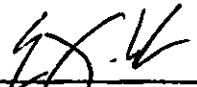
I certify that I have read and understand all of the provisions of this AWC and have been given a full opportunity to ask questions about it; that I have agreed to its provisions voluntarily; and that no offer, threat, inducement, or promise of any kind, other than the terms set forth herein and the prospect of avoiding the issuance of a

Complaint, has been made to induce me to submit it.

6/13/16  
Date (mm/dd/yyyy)

  
Nathan D. Bartow, Respondent

Reviewed by:

  
Edmond J. Mack, Esq.  
Counsel for Respondent  
Tzangas Plakas Mannos Ltd.  
220 Market Avenue South  
Eight Floor  
Canton, Ohio 44702  
Phone: (330) 455-6112  
Email: emack@lawlion.com

Accepted by FINRA:

6/16/16  
Date

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

  
David Camuzo, Director  
FINRA Department of Enforcement  
200 Liberty Street, 11<sup>th</sup> Floor  
New York, NY 10281  
Phone: (646) 315-7317  
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