

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 2019062412601**

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

RE: Thomas John Marino, Respondent  
Registered Representative  
CRD No. 4438533

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Thomas John Marino ("Marino" or "Respondent"), 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**

Marino entered the securities industry in August 2001 when he became associated with a FINRA member. In December 2012, he became registered with FINRA as a General Securities Representative through his association with R.M. Stark & Co., Inc. (the "Firm"). On June 11, 2019, the Firm filed a Uniform Termination for Securities Industry Registration, terminating Marino's registration with the Firm.

Although Marino is not currently associated with a FINRA member, FINRA retains jurisdiction over him pursuant to Article V, Section 4 of the FINRA By-Laws.

**RELEVANT DISCIPLINARY HISTORY**

Marino does not have any formal disciplinary history with the Securities and Exchange Commission, any state securities regulator, or any self-regulatory organization.

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## OVERVIEW

In connection with FINRA's investigation into Marino's possible misuse of funds from a senior customer FINRA staff issued Marino a request to provide documents and information pursuant to FINRA Rule 8210. Marino refused to provide the documents and information.

As a result, Marino violated FINRA Rule 8210 and 2010.

## FACTS AND VIOLATIVE CONDUCT

FINRA Rule 8210(a)(1) states, in relevant part, that FINRA may "require a 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." FINRA Rule 8210(c) states that "[n]o 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 associated persons, in the conduct of their business, to "observe high standards of commercial honor and just and equitable principles of trade."

On May 20, 2019, in connection with its investigation into allegations that Marino misused money from RO, a senior customer at the Firm, FINRA staff sent a request to Marino for documents and information pursuant to FINRA Rule 8210. Marino's response was due by June 21, 2019. As his counsel stated in a telephone call with FINRA staff on June 21, 2019, and by this agreement, Marino acknowledges that he received FINRA's request dated May 20, 2019, and will not produce the documents and information requested at any time. By refusing to provide the documents and information requested pursuant to FINRA Rule 8210, Marino violates FINRA Rules 8210 and 2010.

By virtue of the foregoing, Marino violated FINRA Rule 8210 and 2010.

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

A bar in all capacities from association with any FINRA member.

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 prejudice 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.

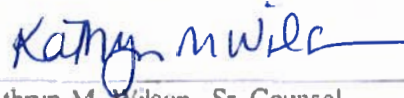
07.08.2019  
Date (mm/dd/yyyy)

T. Marino  
Thomas John Marino, Respondent

Accepted by FINRA:

7/18/2019  
Date

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



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