

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 20140434786-01**

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

**RE: Jeffrey Hamilton Howell, Respondent  
CRD No. 4561368**

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**

Jeffrey Hamilton Howell ("Howell") entered the securities industry in July 2002, when he became associated with UBS Financial Services Inc. ("UBS" or the "Firm"), a FINRA member firm. Howell became registered with UBS as a General Securities Representative ("GS") (Series 7 license) in September 2002.

On November 19, 2014, the Firm filed a Uniform Termination Notice for Securities Industry Registration ("Form U5") with FINRA disclosing that Howell's employment was terminated on November 13, 2014. Howell's registration with FINRA ended on November 19, 2014.

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

**RELEVANT DISCIPLINARY HISTORY**

Howell has no previous relevant disciplinary history.

**OVERVIEW**

Between September 2008 and November 2014, Howell provided false weekly reports to a customer, overvaluing the customer's account by as much as \$3 million. Howell also altered

three UBS account statements to conceal the inaccuracies in the false weekly reports. He impermissibly used his personal e-mail account to send certain of the false reports to his customer, causing his Firm to maintain inaccurate books and records. In addition, he refused to provide testimony requested pursuant to FINRA Rule 8210. Accordingly, Howell violated NASD Rule 2110 (for conduct that occurred before December 15, 2008), FINRA Rule 2010 (for conduct that occurred on and after December 15, 2008), NASD Rule 3110 (for conduct that occurred before December 5, 2011), FINRA Rule 4511 (for conduct that occurred on and after December 5, 2011), and FINRA Rule 8210.

### **FACTS AND VIOLATIVE CONDUCT**

Beginning in September 2008 and continuing through November 2014, Howell created and sent his customer more than 300 weekly "Stock Tracking Reports" that purported to reflect the value of the customer's portfolio, but actually misstated the value of the accounts in amounts ranging from \$289,000 in September 2008 to approximately \$3,000,000 in November 2014. In an effort to conceal this misconduct, Howell also altered three UBS account statements to match the false information in the Stock Tracking Reports. By falsifying documents and providing them to his customer, Howell violated NASD Rule 2110 (before December 15, 2008) and FINRA Rule 2010 (on and after December 15, 2008).

Howell sent certain of the Stock Tracking Reports using his personal e-mail address, which the Firm prohibited. As a result, the Firm did not preserve this customer correspondence as required by Section 17 (a) of the Securities Exchange Act of 1934 and Rule 17a-4 promulgated thereunder. By causing his firm to keep inaccurate books and records, Howell violated NASD Rule 3110 (before December 5, 2011) and FINRA Rule 4511 (on and after December 5, 2011).

On July 22, 2016, FINRA requested that Howell appear for testimony, pursuant to FINRA Rule 8210, on August 11, 2016. On July 29, 2016, Howell acknowledged that he received FINRA's request and would not appear to provide testimony. Howell did not appear for testimony on August 11, 2016. By refusing to respond to FINRA's request for testimony as requested pursuant to FINRA Rule 8210, Howell violated FINRA Rules 8210 and 2010.

**B. Howell also consents to the imposition of the following sanctions:**

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

Howell 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 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**

Howell specifically and voluntarily waives 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, Howell 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.

Howell 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**

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.

Sept. 22, 2016  
Date

Jeffrey H. Howell  
Jeffrey Hamilton Howell, Respondent

Reviewed by:

David B. Cosgrove  
David B. Cosgrove, Esq.  
Cosgrove Law Group, LLC  
7733 Forsyth Boulevard, Suite 1675  
St. Louis, MO 63105

Accepted by FINRA:

10/13/16  
Date

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

A handwritten signature in black ink, appearing to read "Susan Schroeder", written over a horizontal line.

Susan Schroeder  
Senior Vice President  
FINRA Department of Enforcement  
Brookfield Place, 200 Liberty Street  
New York, NY 10281-1003  
Tel: 646-315-7466