



IAPD Report

KEVIN JOHN MCPHEE

CRD# 2316848

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Please contact FINRA with any concerns.



IAPD Information About Representatives

IAPD offers information on all current-and many former representatives. Investors are strongly encouraged to use IAPD to check the background of representatives before deciding to conduct, or continue to conduct, business with them.

What is included in a IAPD report?

IAPD reports for individual representatives include information such as employment history, professional qualifications, disciplinary actions, criminal convictions, civil judgments and arbitration awards.

It is important to note that the information contained in an IAPD report may include pending actions or allegations that may be contested, unresolved or unproven. In the end, these actions or allegations may be resolved in favor of the representative, or concluded through a negotiated settlement with no admission or finding of wrongdoing.

Where did this information come from?

The information contained in IAPD comes from the Investment Adviser Registration Depository (IARD) and FINRA's Central Registration Depository, or CRD, (see more on CRD below) and is a combination of:

- information the states require representatives and firms to submit as part of the registration and licensing process, and
- information that state regulators report regarding disciplinary actions or allegations against representatives.

How current is this information?

Generally, representatives are required to update their professional and disciplinary information in IARD within 30 days.

Need help interpreting this report?

For help understanding how to read this report, please consult NASAA's IAPD Tips page <http://www.nasaa.org/IAPD/IARReports.cfm>

What if I want to check the background of an Individual Broker or Brokerage Firm?

To check the background of an Individual Broker or Brokerage firm, you can search for the firm or individual in IAPD. If your search is successful, click on the link provided to view the available licensing and registration information in FINRA's BrokerCheck website.

Are there other resources I can use to check the background of investment professionals?

It is recommended that you learn as much as possible about an individual representative or Investment Adviser firm before deciding to work with them. Your state securities regulator can help you research individuals and certain firms doing business in your state. The contact information for state securities regulators can be found on the website of the North American Securities Administrators Association <http://www.nasaa.org>



Report Summary

KEVIN JOHN MCPHEE (CRD# 2316848)

The report summary provides an overview of the representative's professional background and conduct. The information contained in this report has been provided by the representative, investment adviser and/or securities firms, and/or securities regulators as part of the states' investment adviser registration and licensing process. The information contained in this report was last updated by the representative, a previous employing firm, or a securities regulator on **02/05/2025**.

CURRENT EMPLOYERS

	Firm	CRD#	Registered Since
IA	KESTRA ADVISORY SERVICES, LLC	CRD# 283330	01/04/2024
B	KESTRA INVESTMENT SERVICES, LLC	CRD# 42046	03/05/2024

QUALIFICATIONS

This representative is currently registered in **1** SRO(s) and **21** jurisdiction(s).

Is this representative currently Inactive or Suspended with any regulator? **No**

Note: Not all jurisdictions require IAR registration or may have an exemption from registration.

Additional information including this individual's qualification examinations and professional designations is available in the Detailed Report.

REGISTRATION HISTORY

This representative was previously registered with the following firm(s):

	FIRM	CRD#	LOCATION	REGISTRATION DATES
IA	PARTNERS CAPITAL SERVICES, INC.	127621	HAUPPAUGE, NY	10/05/2015 - 02/01/2024
B	AMERICAN CAPITAL PARTNERS, LLC	119249	HAUPPAUGE, NY	11/04/2008 - 02/01/2024
B	ANDREW GARRETT INC.	29931	NEW YORK, NY	11/23/2004 - 11/12/2008

For additional registration and employment history details as reported by the individual, refer to the Registration and Employment History section of the Detailed Report.

DISCLOSURE INFORMATION

Disclosure events include certain criminal charges and convictions, formal investigations and disciplinary actions initiated by regulators, customer disputes and arbitrations, and financial disclosures such as bankruptcies and unpaid judgments or liens.

Are there events disclosed about this representative? **Yes**

The following types of events are disclosed about this representative:

Type	Count
Regulatory Event	4
Customer Dispute	2



Qualifications

REGISTRATIONS

This section provides the SRO, states and U.S. territories in which the representative is currently registered and licensed, the category of each registration, and the date on which the registration becomes effective. This section also provides, for each firm with which the representative is currently employed, the address of each location where the representative works. This individual is currently registered with **21** jurisdiction(s) and 1 SRO(s) through his or her employer(s).

Employment 1 of 2

Firm Name: **KESTRA INVESTMENT SERVICES, LLC**
Main Address: 5707 SOUTHWEST PARKWAY
BUILDING 2, SUITE 400
AUSTIN, TX 78735
Firm ID#: 42046

Regulator	Registration	Status	Date
B FINRA	General Securities Representative	Approved	03/05/2024
B FINRA	Invest. Co and Variable Contracts	Approved	03/05/2024
B FINRA	Investment Banking Representative	Approved	03/05/2024
B California	Agent	Approved	03/06/2024
B Connecticut	Agent	Approved	03/06/2024
B Florida	Agent	Approved	03/06/2024
B Georgia	Agent	Approved	03/07/2024
B Idaho	Agent	Approved	03/05/2024
B Indiana	Agent	Approved	03/22/2024
B Iowa	Agent	Approved	03/08/2024
B Kansas	Agent	Approved	03/05/2024
B Louisiana	Agent	Approved	03/05/2024
B Maryland	Agent	Approved	04/02/2024



Qualifications

Regulator	Registration	Status	Date
B New Jersey	Agent	Approved	03/20/2025
B New York	Agent	Approved	03/05/2024
B North Carolina	Agent	Approved	03/26/2024
B Oklahoma	Agent	Approved	03/06/2024
B Pennsylvania	Agent	Approved	03/05/2024
B South Carolina	Agent	Approved	04/09/2024
B Texas	Agent	Approved	03/05/2024
B Utah	Agent	Approved	03/05/2024
B Vermont	Agent	Approved	03/05/2024
B Washington	Agent	Approved	04/11/2024
B Wisconsin	Agent	Approved	03/05/2024

Branch Office Locations

NFP ADVISOR SERVICES, LLC

7600 Jericho Turnpike
Suite 302
Woodbury, NY 11797

Employment 2 of 2

Firm Name: **KESTRA ADVISORY SERVICES, LLC**
Main Address: 5707 SOUTHWEST PARKWAY
BUILDING 2, SUITE 400
AUSTIN, TX 78735
Firm ID#: 283330

Regulator	Registration	Status	Date
IA New York	Investment Adviser Representative	Approved	01/04/2024



Qualifications

Regulator	Registration	Status	Date
IA Texas	Investment Adviser Representative	Restricted Approval	01/04/2024
IA Utah	Investment Adviser Representative	Approved	01/29/2024

Branch Office Locations

KESTRA ADVISORY SERVICES, LLC

7600 Jericho Turnpike
Suite 302
Woodbury, NY 11797



Qualifications

PASSED INDUSTRY EXAMS

This section includes all industry exams that the representative has passed. Under limited circumstances, a representative may attain registration after receiving an exam waiver based on a combination of exams the representative has passed and qualifying work experience. Likewise a new exam requirement may be grandfathered based on a representative's specific qualifying work experience. Exam waivers and grandfathering are not included below.

This individual has passed 0 principal/supervisory exams, 4 general industry/product exams, and 2 state securities law exams.





Principal/Supervisory Exams

Exam	Category	Date
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No information reported.




General Industry/Product Exams

Exam	Category	Date
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 Investment Banking Registered Representative Examination (S79TO)	Series 79TO	01/02/2023
 Securities Industry Essentials Examination (SIE)	SIE	10/01/2018
 General Securities Representative Examination (S7)	Series 7	02/04/1994
 Investment Company Products/Variable Contracts Representative Examination (S6)	Series 6	02/05/1993

State Securities Law Exams

Exam	Category	Date
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  Uniform Combined State Law Examination (S66)	Series 66	06/13/2012
 Uniform Securities Agent State Law Examination (S63)	Series 63	03/09/1993

PROFESSIONAL DESIGNATIONS

This section details that the representative has reported **0** professional designation(s).

No information reported.



Registration & Employment History

PREVIOUSLY REGISTERED WITH THE FOLLOWING FIRMS

This representative held registrations with the following firms:

	Registration Dates	Firm Name	ID#	Branch Location
IA	10/05/2015 - 02/01/2024	PARTNERS CAPITAL SERVICES, INC.	CRD# 127621	HAUPPAUGE, NY
B	11/04/2008 - 02/01/2024	AMERICAN CAPITAL PARTNERS, LLC	CRD# 119249	HAUPPAUGE, NY
B	11/23/2004 - 11/12/2008	ANDREW GARRETT INC.	CRD# 29931	NEW YORK, NY
B	05/05/2003 - 12/17/2004	LH ROSS & COMPANY, INC.	CRD# 37920	BOCA RATON, FL
B	06/06/2002 - 06/02/2003	HARRISON SECURITIES, INC.	CRD# 14103	PORT WASHINGTON, N
B	03/06/2001 - 06/18/2002	JOSEPH GUNNAR & CO. LLC	CRD# 24795	UNIONDALE, NY
B	05/14/1999 - 03/15/2001	GLOBAL CAPITAL SECURITIES CORPORATION	CRD# 16184	ENGLEWOOD, CO
B	09/21/1998 - 03/15/1999	JOSEPH CHARLES & ASSOC., INC.	CRD# 3949	BOCA RATON, FL
B	05/05/1997 - 07/30/1998	THE HAMILTON-SHEA GROUP, INC.	CRD# 37526	POMPANO BEACH, FL
B	07/11/1996 - 12/13/1996	LANDMARK INTERNATIONAL EQUITIES	CRD# 25098	WESTBURY, NY
B	09/13/1995 - 07/26/1996	FIRST UNITED EQUITIES CORPORATION	CRD# 36398	NEW YORK, NY
B	06/01/1994 - 10/09/1995	A. R. BARON & CO., INC.	CRD# 29285	NEW YORK, NY
B	02/02/1994 - 06/03/1994	D. H. BLAIR & CO., INC.	CRD# 6833	NEW YORK, NY
B	02/09/1993 - 10/05/1993	JOHN HANCOCK DISTRIBUTORS, INC.	CRD# 468	BOSTON, MA
B	02/09/1993 - 10/05/1993	JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY	CRD# 5181	BOSTON, MA



Registration & Employment History

EMPLOYMENT HISTORY

Below is the representative's employment history for up to the last 10 years.

Employment Dates	Employer Name	Position	Investment Related	Employer Location
01/2024 - Present	Kestra Advisory Services, LLC	Investment Advisor Representative	Y	Woodbury, NY, United States
01/2024 - Present	Kestra Investment Services, LLC	Registered Representative	Y	Woodbury, NY, United States
11/2008 - 01/2024	AMERICAN CAPITAL PARTNERS, LLC	REGISTERED REPRESENTATIVE	Y	HAUPPAUGE, NY, United States
05/2003 - 01/2024	LH ROSS & COMPANY INC	ACCOUNT EXECUTIVE	Y	MELVILLE, NY, United States

OTHER BUSINESS ACTIVITIES

This section includes information, if any, as provided by the representative regarding other business activities the representative is currently engaged in either as a proprietor, partner, officer, director, employee, trustee, agent, or otherwise. This section does not include non-investment related activity that is exclusively charitable, civic, religious, or fraternal and is recognized as tax exempt.

Business Name: COASTLINE WEALTH MANAGEMENT POSITION: Registered Representative NATURE: Registered rep activities through Kestra Investment Services INVESTMENT RELATED: Yes NUMBER OF HOURS: 120 SECURITIES TRADING HOURS: 30 START DATE: 01/04/2024 ADDRESS: 7600 Jericho Turnpike, Woodbury NY 11797 DESCRIPTION: I will be recommending securities for clients investment account. Managing assets on a transaction based format.

Business Name: KEVIN J. MCPHEE POSITION: Self NATURE: Insurance INVESTMENT RELATED: Yes NUMBER OF HOURS: 8 SECURITIES TRADING HOURS: 2 START DATE: 01/04/2024 ADDRESS: 7600 Jericho Turnpike, Woodbury NY 11797 DESCRIPTION: Insurance Agent for Life, Health, and Fixed Annuities4

Business Name: KESTRA ADVISORY SERVICES, LLC POSITION: Investment Advisor Representative NATURE: Investment advisory services through Kestra Advisory Services, LLC INVESTMENT RELATED: Yes NUMBER OF HOURS: 100 SECURITIES TRADING HOURS: 30 START DATE: 01/04/2024 ADDRESS: 7600 Jericho Turnpike, Woodbury NY 11797 DESCRIPTION: Managing clients investment portfolio's on a fee based relationship.



Disclosure Summary

Disclosure Information

What you should know about reported disclosure events:

(1) Certain thresholds must be met before an event is reported to IARD, for example:

- A law enforcement agency must file formal charges before an Investment Adviser Representative is required to report a particular criminal event.;
- A customer dispute must involve allegations that an Investment Adviser Representative engaged in activity that violates certain rules or conduct governing the industry and that the activity resulted in damages of at least \$5,000.

(2) Disclosure events in IAPD reports come from different sources:

As mentioned in the "About IAPD" section on page 1 of this report, information contained in IAPD comes from Investment Adviser Representatives, firms and regulators. When more than one of these sources reports information for the same disclosure event, all versions of the event will appear in the IAPD report. The different versions will be separated by a solid line with the reporting source labeled.

(3) There are different statuses and dispositions for disclosure events:

- A disclosure event may have a status of *pending*, *on appeal*, or *final*.
 - A "pending" disclosure event involves allegations that have not been proven or formally adjudicated.
 - A disclosure event that is "on appeal" involves allegations that have been adjudicated but are currently being appealed.
 - A "final" disclosure event has been concluded and its resolution is not subject to change.
- A final disclosure event generally has a disposition of *adjudicated*, *settled* or *otherwise resolved*.
 - An "adjudicated" matter includes a disposition by (1) a court of law in a criminal or civil matter, or (2) an administrative panel in an action brought by a regulator that is contested by the party charged with some alleged wrongdoing.
 - A "settled" matter generally represents a disposition wherein the parties involved in a dispute reach an agreement to resolve the matter. Please note that Investment Adviser Representatives and firms may choose to settle customer disputes or regulatory matters for business or other reasons.
 - A "resolved" matter usually includes a disposition wherein no payment is made to the customer or there is no finding of wrongdoing on the part of the Investment Adviser Representative. Such matters generally involve customer disputes.

(4) You may wish to contact the Investment Adviser Representatives to obtain further information regarding any of the disclosure events contained in this IAPD report.



DISCLOSURE EVENT DETAILS

When evaluating this information, please keep in mind that some items may involve pending actions or allegations that may be contested and have not been resolved or proven. The event may, in the end, be withdrawn, dismissed, resolved in favor of the Investment Adviser Representative, or concluded through a negotiated settlement with no admission or finding of wrongdoing.

This report provides the information exactly as it was reported to the Investment Adviser Registration Depository. Some of the specific data fields contained in the report may be blank if the information was not provided.

The following types of events are disclosed about this representative:

Type	Count
Regulatory Event	4
Customer Dispute	2

Regulatory Event

This disclosure event may include a final, formal proceeding initiated by a regulatory authority (e.g., a state securities agency, a federal regulator such as the Securities and Exchange Commission or the Commodities Futures Trading Commission, or a foreign financial regulatory body) for a violation of investment-related rules or regulations. This disclosure event may also include a revocation or suspension of an Investment Adviser Representative's authority to act as an attorney, accountant or federal contractor.

Disclosure 1 of 4

Reporting Source:	Regulator
Regulatory Action Initiated By:	ILLINOIS
Sanction(s) Sought:	Revocation
Date Initiated:	09/27/2010
Docket/Case Number:	1000250
URL for Regulatory Action:	
Employing firm when activity occurred which led to the regulatory action:	ANDREW GARRETT INC.
Product Type:	No Product
Allegations:	ON 5/4/2010 FINRA ENTERED A LETTER OF ACCEPTANCE, WAIVER AND CONSENT (AWC). RESPONDENT'S REGISTRATION AS A SALESPERSON IN THE STATE OF ILLINOIS IS SUBJECT TO REVOCATION PURSUANT TO SECTION 8.E(1)(J) OF THE ACT.
Current Status:	Final
Resolution:	CONSENT AGREEMENT & ORDER TO DISMISS (NOTICE OF HEARING



Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct? No

Resolution Date: 01/05/2011

Sanctions Ordered: Other: CONSENT AGREEMENT & ORDER TO DISMISS (NOTICE OF HEARING).

Regulator Statement CONSENT AGREEMENT & ORDER TO DISMISS (NOTICE OF HEARING).

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Reporting Source: Individual

Regulatory Action Initiated By: ILLINOIS

Sanction(s) Sought: Revocation

Date Initiated: 09/27/2010

Docket/Case Number: 1000250

Employing firm when activity occurred which led to the regulatory action: ANDREW GARRETT INC.

Product Type: No Product

Allegations: ON 5/4/2010 FINRA ENTERED A LETTER OF ACCEPTANCE, WAIVER AND CONSENT (AWC). RESPONDENT'S REGISTRATION AS A SALESPERSON IN THE STATE OF ILLINOIS IS SUBJECT TO REVOCATION PURSUANT TO SECTION 8.E(1)(J) OF THE ACT.

Current Status: Final

Resolution: CONSENT AGREEMENT & ORDER TO DISMISS (NOTICE OF HEARING)

Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct? No

Resolution Date: 01/05/2011

Sanctions Ordered: Other: CONSENT AGREEMENT & ORDER TO DISMISS (NOTICE OF HEARING).

Broker Statement CONSENT AGREEMENT & ORDER TO DISMISS (NOTICE OF HEARING).

Disclosure 2 of 4

Reporting Source: Regulator

Regulatory Action Initiated By: FINRA

Sanction(s) Sought: Other: N/A

Date Initiated: 05/24/2010



Docket/Case Number: [2009016763601](#)

Employing firm when activity occurred which led to the regulatory action: ANDREW GARRETT INC.

Product Type: No Product

Allegations: NASD RULE 2110, INTERPRETATIVE MATERIAL 2310-2: MCPHEE EXECUTED UNAUTHORIZED TRANSACTIONS IN A CUSTOMER'S ACCOUNT WITHOUT THEIR PRIOR KNOWLEDGE OR CONSENT. MCPHEE COMMUNICATED WITH THE CUSTOMER VIA AN OUTSIDE E-MAIL ACCOUNT, WITHOUT THE KNOWLEDGE OR CONSENT OF HIS MEMBER FIRM.

Current Status: Final

Resolution: Acceptance, Waiver & Consent(AWC)

Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct? No

Resolution Date: 05/24/2010

Sanctions Ordered: Civil and Administrative Penalty(ies)/Fine(s)
Restitution
Suspension

If the regulator is the SEC, CFTC, or an SRO, did the action result in a finding of a willful violation or failure to supervise? No

(1) willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board, or to have been unable to comply with any provision of such Act, rule or regulation?



(2) willfully aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board? or

(3) failed reasonably to supervise another person subject to your supervision, with a view to preventing the violation by such person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any such Acts, or any of the rules of the Municipal Securities Rulemaking Board?

Sanction 1 of 1

Sanction Type:	Suspension
Capacities Affected:	ALL CAPACITIES
Duration:	FIVE MONTHS
Start Date:	06/21/2010
End Date:	11/20/2010

Monetary Sanction 1 of 2

Monetary Related Sanction:	Civil and Administrative Penalty(ies)/Fine(s)
Total Amount:	\$7,500.00
Portion Levied against individual:	\$7,500.00
Payment Plan:	
Is Payment Plan Current:	
Date Paid by individual:	06/11/2011
Was any portion of penalty waived?	No

**Amount Waived:****Monetary Sanction 2 of 2**

Monetary Related Sanction: Restitution
Total Amount: \$17,654.44
Portion Levied against individual: \$17,654.44

Payment Plan:**Is Payment Plan Current:****Date Paid by individual:**

Was any portion of penalty waived? No

Amount Waived:**Regulator Statement**

WITHOUT ADMITTING OR DENYING THE FINDINGS, MCPHEE CONSENTED TO THE DESCRIBED SANCTIONS AND TO THE ENTRY OF FINDINGS; THEREFORE HE IS FINED \$7,500, SUSPENDED FROM ASSOCIATION WITH ANY FINRA MEMBER IN ANY CAPACITY FOR FIVE MONTHS AND REQUIRED TO PAY RESTITUTION TO THE CUSTOMER IN THE AMOUNT OF \$17,654.44 PLUS INTEREST. MCPHEE SHALL SUBMIT SATISFACTORILY PROOF OF PAYMENT OF RESTITUTION OR OF REASONABLE AND DOCUMENTED EFFORTS UNDERTAKEN TO EFFECT RESTITUTION. SUCH PROOF SHALL BE SUBMITTED TO FINRA STAFF NO LATER THAN 120 DAYS AFTER ACCEPTANCE OF THE AWC. IF FOR ANY REASON MCPHEE CANNOT LOCATE THE CUSTOMER AFTER REASONABLE AND DOCUMENTED EFFORTS WITHIN SUCH PERIOD, OR SUCH ADDITIONAL PERIOD AGREED TO BY FINRA STAFF, MCPHEE SHALL FORWARD ANY UNDISTRIBUTED RESTITUTION AND INTEREST TO THE APPROPRIATE ESCHEAT, UNCLAIMED PROPERTY, OR ABANDONED PROPERTY FUND FOR THE STATE IN WHICH THE CUSTOMER IS LAST KNOWN TO HAVE RESIDED. THE SUSPENSION IS IN EFFECT JUNE 21, 2010 THROUGH NOVEMBER 20,2010.

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Reporting Source: Individual
Regulatory Action Initiated By: FINRA
Sanction(s) Sought: Other: N/A
Date Initiated: 05/24/2010
Docket/Case Number: [2009016763601](#)
Employing firm when activity occurred which led to the regulatory action: ANDREW GARRETT INC.
Product Type: No Product
Allegations: NASD RULE 2110, INTERPRETATIVE MATERIAL 2310-2: MCPHEE EXECUTED UNAUTHORIZED TRANSACTIONS IN A CUSTOMER'S ACCOUNT WITHOUT THEIR PRIOR KNOWLEDGE OR CONSENT. MCPHEE COMMUNICATED WITH THE CUSTOMER VIA AN OUTSIDE E-MAIL ACCOUNT, WITHOUT THE KNOWLEDGE OR CONSENT OF HIS MEMBER FIRM.
Current Status: Final



Resolution: Acceptance, Waiver & Consent(AWC)

Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct? No

Resolution Date: 05/24/2010

Sanctions Ordered: Civil and Administrative Penalty(ies)/Fine(s)
Restitution
Suspension

Sanction 1 of 1

Sanction Type: Suspension

Capacities Affected: ALL CAPACITIES

Duration: FIVE MONTHS

Start Date: 06/21/2010

End Date: 11/20/2010

Monetary Sanction 1 of 2

Monetary Related Sanction: Restitution

Total Amount: \$17,654.44

Portion Levied against individual: \$17,654.44

Payment Plan:

Is Payment Plan Current:

Date Paid by individual:

Was any portion of penalty waived? No

Amount Waived:

Monetary Sanction 2 of 2

Monetary Related Sanction: Civil and Administrative Penalty(ies)/Fine(s)

Total Amount: \$7,500.00

Portion Levied against individual: \$7,500.00

Payment Plan:

Is Payment Plan Current:

Date Paid by individual:

Was any portion of penalty waived? No

Amount Waived:

Disclosure 3 of 4



Reporting Source:	Regulator
Regulatory Action Initiated By:	UTAH DIVISION OF SECURITIES
Sanction(s) Sought:	Revocation
Other Sanction(s) Sought:	
Date Initiated:	11/18/1999
Docket/Case Number:	SD-99-0023
Employing firm when activity occurred which led to the regulatory action:	JOSEPH CHARLES & ASSOCIATES, INC.
Product Type:	No Product
Other Product Type(s):	
Allegations:	FRAUD - USING ADVERTISING AND SALES PRESENTATIONS IN A DECEPTIVE OR MISLEADING MANNER; ACTING IN THE CAPACITY OF A SUPERVISOR WITHOUT PROPER LICENSE. MADE MISLEADING STATEMENTS TO A UTAH REGULATOR.
Current Status:	Final
Resolution:	Stipulation and Consent
Resolution Date:	02/06/2003
Sanctions Ordered:	
Other Sanctions Ordered:	DIVISION ENTERS ORDER ALLOWING RESPONDENT TO WITHDRAW HIS LICENSE FROM UTAH, PROHIBITING RESPONDENT FROM APPLYING FOR A LICENSE IN UTAH AT ANY FUTURE DATE (IF AT ANY TIME RESPONDENT DOES REAPPLY FOR A SECURITIES LICENSE IN UTAH, THE DIVISION WILL DENY THE APPLICATION BASED ON THIS ACTION), AND PROHIBITING RESPONDENT FROM SUPERVISING ANY AGENTS LICENSED IN UTAH.
Sanction Details:	DIVISION ENTERS ORDER ALLOWING RESPONDENT TO WITHDRAW HIS LICENSE FROM UTAH, PROHIBITING RESPONDENT FROM APPLYING FOR A LICENSE IN UTAH AT ANY FUTURE DATE (IF AT ANY TIME RESPONDENT DOES REAPPLY FOR A SECURITIES LICENSE IN UTAH, THE DIVISION WILL DENY THE APPLICATION BASED ON THIS ACTION), AND PROHIBITING RESPONDENT FROM SUPERVISING ANY AGENTS LICENSED IN UTAH.
Regulator Statement	KEVIN MCPHEE WAS ACTING IN A SUPERVISORY CAPACITY WITHOUT HAVING THE PROPER NASD QUALIFYING EXAMS. ON DECEMBER 8, 1998, J. MATTHEW JENKINS (A REGULATOR FOR THE UTAH DIVISION OF SECURITIES) MET WITH KEVIN MCPHEE AND DANIEL ZAPPALA (CRD# 2762038) WITHOUT DISCLOSING HIS EMPLOYMENT WITH THE DIVISION OF SECURITIES. DURING THIS MEETING, KEVIN MCPHEE STATED THAT HE WAS THE OWNER OF THE BRANCH. MCPHEE HELD HIMSELF OUT AS A SUPERVISOR AND ACTED IN THE CAPACITY OF A SUPERVISOR WITHOUT HAVING THE PROPER NASD QUALIFYING EXAMS. DANIEL ZAPPALA, AN AGENT OF JOSEPH CHARLES, MADE UNSOLICITED PHONE CALLS TO J. MATTHEW JENKINS, A REGULATOR WITH THE STATE OF UTAH, ON THREE OCCASIONS. DURING THESE CONVERSATIONS THERE WERE NUMEROUS UNTRUE STATEMENTS OF MATERIAL FACT. DURING AN AUDIT THE DIVISION FOUND THAT JOSEPH CHARLES & ASSOCIATES, INC.: FAILED TO REASONABLY SUPERVISE ITS AGENTS; EMPLOYED CERTAIN INDIVIDUALS WHO ACTED IN SUPERVISORY POSITIONS WITHOUT THE PROPER NASD QUALIFYING EXAMS; ALLOWED AN UNLICENSED EMPLOYEE TO OPEN AND



MANAGE AT LEAST TWO ACCOUNTS; ALLOWED AGENTS TO USE WRITTEN SALES SCRIPTS OF A FRAUDULENT NATURE; USED ADVERTISEMENTS AND SALES PRESENTATIONS WHICH WERE FALSE OR MISLEADING. FOR MORE INFORMATION SEE: [HTTP://168.179.156.9/SEC/ACTIONSEVENTS.ASP?DOCKET+NUMBER=SD%2D99%2D0023](http://168.179.156.9/SEC/ACTIONSEVENTS.ASP?DOCKET+NUMBER=SD%2D99%2D0023)

Reporting Source: Individual

Regulatory Action Initiated By: UTAH DIVISION OF SECURITIES

Sanction(s) Sought: Revocation

Date Initiated: 11/18/1999

Docket/Case Number: SD-99-0023

Employing firm when activity occurred which led to the regulatory action: JOSEPH CHARLES & ASSOCIATES, INC

Product Type: No Product

Allegations: FRAUD-USING ADVERTISING AND SALES PRESENTATIONS IN A DECEPTIVE OR MISLEADING MANNER; ACTING IN THE CAPACITY FO A SUPERVISOR WITHOUT PROPER LICENSE. MADE MISLEADING STATEMENTS TO A UTAH REGULATOR.

Current Status: Final

Resolution: Stipulation and Consent

Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct? Yes

Resolution Date: 02/06/2003

Sanctions Ordered: Bar (Temporary/Time Limited)
Other: Mr. McPhee voluntarily agreed to withdraw his license from the state of Utah and agreed to a prohibition of supervising any agents licensed in Utah.

Sanction 1 of 1

Sanction Type: Bar (Temporary/Time Limited)

Capacities Affected: All Capacities

Duration: 19 years

Start Date: 02/06/2003

End Date: 01/29/2024

Broker Statement RESPONDENT AND UTAH DIVISION HAVE AGREED TO SETTLE THIS INVESTIGATION BY WAY OF THE ABOVE MENTIONED STIPULATION AND CONSENT ORDER. Event was initiated over 25 years ago. however as of recent developments the state of Utah has agreed to license Mr. McPhee as an agent with no restrictions or prohibitions.

**Disclosure 4 of 4**

Reporting Source: Regulator

Regulatory Action Initiated By: NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Sanction(s) Sought:

Other Sanction(s) Sought:

Date Initiated: 03/03/1997

Docket/Case Number: C8A970017

Employing firm when activity occurred which led to the regulatory action:

Product Type: Other

Other Product Type(s): UNKNOWN TYPE OF SECURITIES

Allegations: FAILED TO FOLLOW CUSTOMERS' INSTRUCTIONS TO SELL SECURITIES

Current Status: Final

Resolution: Decision & Order of Offer of Settlement

Resolution Date: 05/14/1999

Sanctions Ordered: Censure
Monetary/Fine \$5,000.00

Other Sanctions Ordered:

Sanction Details: WITHOUT ADMITTING OR DENYING THE ALLEGATIONS, MCPHEE CONSENTED TO THE DESCRIBED SANCTIONS AND TO THE ENTRY OF FINDINGS, THEREFORE, HE IS CENSURED AND FINED \$5,000.

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Reporting Source: Individual

Regulatory Action Initiated By: NASD
DISTRI*SEE FAQ #1*

Sanction(s) Sought: Other

Other Sanction(s) Sought: N/A

Date Initiated: 07/02/1996

Docket/Case Number: C8A970017

Employing firm when activity occurred which led to the regulatory action: AR BARON

Product Type: Other

Other Product Type(s): WARRANTS

Allegations: ALLEGED PURCHASE OF SECURITIES WITHOUT AUTHORIZATION I WAS NAMED IN A BUSINESS CONDUCT COMMITTEE COMPLAINT WITH APPROX. 18 OTHER INDIVIDUALS FROM THE EMPLOYING FIRM. ALLEGED FAILURE TO SELL. CUSTOMER WAS MADE WHOLE AND SETTLED THE NASD COMPLAINT FOR \$5,000. IN THE SETTLEMENT I DID



NOT ADMIT OR DENY WRONGDOING.

Current Status:

Final

Resolution:

Decision & Order of Offer of Settlement

Resolution Date:

05/14/1999

Sanctions Ordered:

Censure
Monetary/Fine \$5,000.00

Other Sanctions Ordered:

Sanction Details:

CENSURED AND FINED \$5,000.

Broker Statement

NOT PROVIDED



Customer Dispute

This section provides information regarding a customer dispute that was reported to the Investment Adviser Registration Depository (IARD) by the Investment Adviser Representative (IAR), an investment adviser and/or securities firm, and/or a securities regulator. The event may include a consumer-initiated, investment-related complaint, arbitration proceeding or civil suit that contains allegations of sales practice violations against the individual.

The customer dispute may be pending or may have resulted in a civil judgment, arbitration award, monetary settlement, closure without action, withdrawal, dismissal, denial, or other outcome.

Disclosure 1 of 2

Reporting Source: Firm

Employing firm when activities occurred which led to the complaint: ANDREW GARRETT INC

Allegations: UNAUTHORIZED TRADES

Product Type: Equity - OTC

Alleged Damages: \$16,087.96

Customer Complaint Information

Date Complaint Received: 12/03/2008

Complaint Pending? No

Status: Closed/No Action

Status Date: 01/15/2009

Settlement Amount:

Individual Contribution Amount:

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Reporting Source: Individual

Employing firm when activities occurred which led to the complaint: ANDREW GARRETT INC

Allegations: UNAUTHORIZED TRADES

Product Type: Equity - OTC

Alleged Damages: \$16,087.96

Customer Complaint Information

Date Complaint Received: 01/21/2009

Complaint Pending? No

Status: Closed/No Action

Status Date: 01/15/2009

Settlement Amount:

Individual Contribution Amount:

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Broker Statement SPOKE WITH COMPLIANCE AT ANDREW GARRETT AND COMPLAINT WAS BASED UPON HERESAY AND APPEARED A CASE OF "SOUR GRAPES". ONE



ALLEGED TRADE WAS DONE TO MEET A MARGIN CALL. CLIENT WAS A FREQUENT TRADER.

Disclosure 2 of 2

Reporting Source: Regulator

Employing firm when activities occurred which led to the complaint: A. R. BARON & CO., INC.

Allegations: EXECUTIONS-FAILURE TO EXECUTE

Product Type: Other

Other Product Type(s): UNSPECIFIED TYPE OF SECURITIES

Alleged Damages: \$9,000.00

Arbitration Information

Arbitration/Reparation Claim filed with and Docket/Case No.: [NASD - CASE #96-02900](#)

Date Notice/Process Served: 07/08/1996

Arbitration Pending? No

Disposition: Award

Disposition Date: 01/24/1997

Disposition Detail: RESPONDENT IS LIABLE AND SHALL PAY TO THE CLAIMANT \$9,000 IN ACTUAL DAMAGES.

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Reporting Source: Individual

Employing firm when activities occurred which led to the complaint: A. R. BARON & CO., INC.

Allegations: FAILURE TO EXECUTE AN ORDER. DAMAGES OF \$9,000. THE CUSTOMER ALLEGED I FAILED TO EXECUTE A SELL ORDER IN JUNE 1995. I RESIGNED FROM THE FIRM AND DID NOT RESPOND TO COMPLAINT IN A TIMELY FASHION SO MY ATTORNEY ADVISED ME TO SETTLE CLAIM FOR \$9100 PLUS INTEREST. TOTAL SETTLEMENT WITH INTEREST WAS FOR \$10,000.

Product Type: Other

Other Product Type(s): WARRANTS-LASER VIDEO NETWORK

Alleged Damages: \$9,000.00

Customer Complaint Information

Date Complaint Received: 08/01/1996

Complaint Pending? No

Status: Arbitration/Reparation

Status Date: 01/24/1997

Settlement Amount:



Individual Contribution Amount: \$10,000.00

Arbitration Information

Arbitration/Reparation Claim filed with and Docket/Case No.: [NASD; 96-02900](#)

Date Notice/Process Served: 08/01/1996

Arbitration Pending? No

Disposition: Award to Customer

Disposition Date: 01/24/1997

Monetary Compensation Amount: \$10,000.00

Individual Contribution Amount: \$10,000.00

Broker Statement THE CLAIMANT WAS AWARDED \$9,000 PLUS \$150 IN ARBITRATION FILING FEES PLUS 9% INTEREST. TOTAL AMOUNT WITH INTEREST WAS \$10,000. CLAIMANT AND RESPONDENT ENTERED INTO A STIPULATION OF SETTLEMENT TO RESOLVE DIFFERENCES. TERMS OF SETTLEMENT WAS COMPLETED IN 1997.



End of Report

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