

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2018059098601**

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

RE: Gabriel W. Hynes, Respondent
General Securities Representative
CRD No. 3152541

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Respondent Gabriel W. Hynes ("Hynes" or "Respondent") submits 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 Respondent alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. Respondent hereby accepts and consents, 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

Hynes first became registered with FINRA in January 1999 as a General Securities Representative of a FINRA member firm. Between January 2001 and June 2017, Hynes was associated with NYLife Securities, LLC ("NYLife") and was registered with FINRA as a General Securities Representative and Investment Company and Variable Contracts Products Representative. On June 20, 2017, NYLife filed a Form U5 terminating Hynes' registrations with FINRA and association with the firm. Between February 15, 2018 and February 22, 2018, Hynes was associated with Kestra Investment Services, LLC ("Kestra") and was registered with FINRA as a General Securities Representative and Investment Company Variable Contracts Representative. Between March 12, 2018 and April 13, 2018, Hynes was associated with Kestra and was registered with FINRA as a General Securities Representative. On April 13, 2018, Kestra filed a Form U5 terminating Hynes' registration with FINRA and association with the firm. Hynes is not currently associated with a FINRA member firm or registered with FINRA, but remains subject to the jurisdiction of FINRA, pursuant to Article V, Section 4 of FINRA's By-Laws, which provides for a two-year period of retained jurisdiction over formerly registered persons.

RELEVANT DISCIPLINARY HISTORY

Hynes has the following relevant disciplinary history:

- On August 15, 2017, FINRA accepted AWC No. 2016051410501, in which Hynes consented to a three-month, all-capacities suspension and a \$10,000 fine for violations of NASD Rules 3040, 3050 and 2110, and FINRA Rule 2010. Without admitting or denying, Hynes agreed to the findings that he participated in private securities transactions without providing prior written notification to his firm and maintained a securities account at a member firm other than his employer member without providing prior written notification to either firm.

OVERVIEW

Hynes refused to appear for on-the-record testimony requested pursuant to FINRA Rule 8210. By virtue of this misconduct, Hynes violated FINRA Rules 8210 and 2010.

FACTS AND VIOLATIVE CONDUCT

FINRA Rule 8210 states, in relevant part, that FINRA has the right to “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 the investigation, complaint, examination or proceeding.” FINRA Rule 8210 also specifies 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 members to “observe high standards of commercial honor and just and equitable principles of trade.”

On December 16, 2019, in connection with FINRA’s investigation of Hynes’ sale of Future Income Payments, LLC’s structured cash flow investments comprised of pension streams, FINRA staff sent a request to Hynes for on-the-record testimony pursuant to FINRA Rule 8210. As stated in counsel’s email to FINRA staff on December 17, 2019, and by this agreement, Hynes acknowledges that he received FINRA’s request and will not appear for on-the-record testimony at any time.

By refusing to appear for on-the-record testimony as requested pursuant to FINRA Rule 8210, Hynes violated FINRA Rules 8210 and 2010.

B. Respondent also consents to the imposition of the following sanctions:

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

Respondent 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

Respondent specifically and voluntarily waives the following rights granted under FINRA's Code of Procedure:

- A. To have a Complaint issued specifying the allegations against him;
- 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, Respondent 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.

Respondent 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

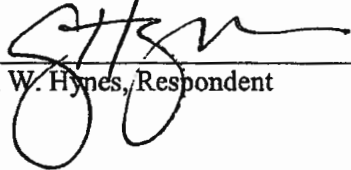
Respondent understands that:

- 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 Respondent; and
- C. If accepted:
1. this AWC will become part of Respondent's permanent disciplinary record and may be considered in any future action brought by FINRA or any other regulator against Respondent;
 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. Respondent 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. Respondent 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 Respondent's: (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.

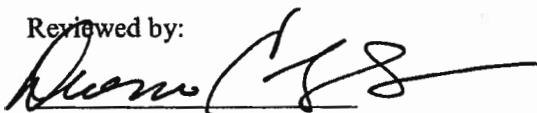
Respondent certifies that he has read and understands all of the provisions of this AWC and has been given a full opportunity to ask questions about it; Respondent has agreed to the AWC's provisions voluntarily; and no offer, threat, inducement, or promise of any kind, other than the terms set forth herein and the prospect of avoiding the issuance of a Complaint, has been made to induce him to submit this AWC.

12/20/2019

Date


Gabriel W. Hynes, Respondent

Reviewed by:



Dionne C. Fajardo, Esq.
Counsel for Respondent
Wiand Guerra King P.A.
5505 West Gray Street
Tampa, FL 33609
Phone: 813-347-5100

Accepted by FINRA:

January 7, 2020
Date

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



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