

STATE OF ALABAMA  
ALABAMA SECURITIES COMMISSION

IN THE MATTER OF:

MELISSA DIANA POWELL

RESPONDENT

)  
ADMINISTRATIVE ORDER  
NO. OB-2014- 0021

ORDER TO BAR

The Alabama Securities Commission ("Commission"), having the authority to administer and provide for the enforcement of all provisions of Title 8, Chapter 6, Code of Alabama 1975, the Alabama Securities Act ("Act"), upon due consideration of the subject matter hereof, and having confirmed information that the persons listed as respondents have engaged in an act or practice constituting a violation of a provision of the act, has determined as follows:

RESPONDENTS

1. **MELISSA DIANA POWELL (POWELL)**, during all times relevant to the issuance of this order, was an employee of Raymond James & Associates, Inc. (Raymond James) with a residence address of 7511 Bradley Road, Duncanville, AL 35456.

STATEMENT OF FACTS

1. **MELISSA DIANA POWELL (POWELL)**, during all times relevant to the issuance of this order, acted as a Branch Operations Specialist for Raymond James with a business address of 200 Marina Drive, Tuscaloosa, Alabama 35406.

2. In response to observations relating to questionable transactions, Raymond James initiated an internal investigation of **POWELL**. As a result of said investigation,

Raymond James determined that a single client was impacted by the conversion of client funds by **POWELL**. The details of these transactions are as follows:

- A. On or about January 27, 2014, **POWELL** completed an IRA/SEP Distribution Request Form in the name of Client A. **POWELL** forged the signature of Client A and processed the IRA/SEP Distribution Request Form which resulted in a third-party distribution in the amount of \$1,750.00 being made directly to **POWELL** from the account of Client A.
- B. On or about February 7, 2014, **POWELL** completed a second IRA/SEP Distribution Request Form in the name of Client A. **POWELL** forged the signature of Client A and processed the IRA/SEP Distribution Request Form which generated a distribution, via check, payable to Client A in the amount \$1,200.00. **POWELL** retrieved said check, forged the signature of Client A, and counter signed said check which she converted into currency at Synovus Bank.
- C. By taking advantage of her position as Branch Operations Specialist, **POWELL** generated additional distributions, via check, from the account of Client A. Based on information entered into the Raymond James processing system by **POWELL**, said checks were payable to and were to have been mailed to Client A. However, the subject checks were retrieved by **POWELL**, who forged the signature of Client A and counter signed each check which **POWELL** converted to currency at local banks. The subject transactions are as follows:

<u>DATE</u>	<u>AMOUNT</u>
2/11/14	\$750.00
2/14/14	675.00
2/18/14	1,500.00
2/19/14	1,050.00
2/24/14	675.00
2/17/14	875.00
3/4/14	300.00

D. When questioned about the above referenced distributions from the account of Client A, **POWELL** represented that she had received verbal authorization from Client A to generate the transactions, affix the signature of Client A to the subject checks, and convert the subject checks to currency rather than mail same to Client A.

E. Upon review of applicable documents pertaining to the subject transactions, Client A stated that he did not authorize the transactions, had no knowledge of the disbursements from his Raymond James account, and gave no one permission to sign his name to the subject documents.

F. When confronted by a Tuscaloosa Police Department Investigator, **POWELL** admitted to the following:

- As a result of her position as Branch Operations Specialist, **POWELL** knew how to generate distributions and print the related checks relative to client accounts
- **POWELL** caused nine (9) checks, totaling \$8,775.00, to be generated which resulted in distributions having been made from the account of Client A
- **POWELL** converted each of the nine (9) checks into currency which she used for her personal use and benefit

3. Raymond James terminated **POWELL** on June 2, 2014.

4. Raymond James has reimbursed Client A for the disbursements from his account which were generated by **POWELL**.

## CONCLUSIONS OF LAW

5. Pursuant to Code of Alabama 1975, § 8-6-3(j)(6), the Commission may, by order, bar any person from employment with a dealer or investment advisor or from any function or activity of the business for which registration is required in this state if the order is in the public interest and the person is the subject of an order, adjudication or determination that the person violated 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 the federal mail and wire fraud statutes, or the securities, investment adviser, or commodities law of any other state, within the past 10 years.

6. Pursuant to Code of Alabama 1975, § 8-6-3(j)(7), the Commission may, by order, bar any person from employment with a dealer or investment advisor or from any function or activity of the business for which registration is required in this state if the order is in the public interest and the person has engaged in dishonest or unethical practices in the securities business. **RESPONDENT** has admitted to law enforcement authorities that her actions resulted in the unauthorized conversion of funds from a client's account as outlined above.

**WHEREAS**, this Order is appropriate in the public interest for the protection of investors and is consistent with the purposes of the Act.

**ACCORDINGLY, IT IS HEREBY ORDERED** that **RESPONDENT** be **BARRED** indefinitely from registration and from engaging in any securities activities into, within or from the State of Alabama.

Entered at Montgomery, Alabama, this 7th day of November, 2014.



ALABAMA SECURITIES COMMISSION  
401 Adams Avenue, Suite 280  
Montgomery, AL 36104  
(334) 242-2984

BY:

A handwritten signature in black ink, appearing to read "JOSEPH P. BORG". Below the signature, the word "Director" is printed in a smaller, sans-serif font.

JOSEPH P. BORG  
Director