

# **BrokerCheck Report**

# **Sharon Lee Herbst**

CRD# 847172

Section Title	Page(s)
Report Summary	1
Broker Qualifications	2 - 3
Registration and Employment History	5 - 6
Disclosure Events	7



When communicating online or investing with any professional, make sure you know who you're dealing with. <u>Imposters</u> might link to sites like BrokerCheck from <u>phishing</u> or similar scam websites, or through <u>social media</u>, trying to steal your personal information or your money.

Please contact FINRA with any concerns.

#### About BrokerCheck®



BrokerCheck offers information on all current, and many former, registered securities brokers, and all current and former registered securities firms. FINRA strongly encourages investors to use BrokerCheck to check the background of securities brokers and brokerage firms before deciding to conduct, or continue to conduct, business with them.

#### What is included in a BrokerCheck report?

- BrokerCheck reports for individual brokers include information such as employment history, professional
  qualifications, disciplinary actions, criminal convictions, civil judgments and arbitration awards. BrokerCheck
  reports for brokerage firms include information on a firm's profile, history, and operations, as well as many of the
  same disclosure events mentioned above.
- Please note that the information contained in a BrokerCheck 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 broker or brokerage firm, or concluded through a negotiated settlement with no admission or finding of wrongdoing.
- Where did this information come from?
- The information contained in BrokerCheck comes from FINRA's Central Registration Depository, or CRD® and is a combination of:
  - o information FINRA and/or the Securities and Exchange Commission (SEC) require brokers and brokerage firms to submit as part of the registration and licensing process, and
  - o information that regulators report regarding disciplinary actions or allegations against firms or brokers.
- How current is this information?
- Generally, active brokerage firms and brokers are required to update their professional and disciplinary information in CRD within 30 days. Under most circumstances, information reported by brokerage firms, brokers and regulators is available in BrokerCheck the next business day.
- What if I want to check the background of an investment adviser firm or investment adviser representative?
- To check the background of an investment adviser firm or representative, you can search for the firm or individual in BrokerCheck. If your search is successful, click on the link provided to view the available licensing and registration information in the SEC's Investment Adviser Public Disclosure (IAPD) website at https://www.adviserinfo.sec.gov. In the alternative, you may search the IAPD website directly or contact your state securities regulator at http://www.finra.org/Investors/ToolsCalculators/BrokerCheck/P455414.
- Are there other resources I can use to check the background of investment professionals?
- FINRA recommends that you learn as much as possible about an investment professional before deciding
  to work with them. Your state securities regulator can help you research brokers and investment adviser
  representatives doing business in your state.

Thank you for using FINRA BrokerCheck.



Using this site/information means that you accept the FINRA BrokerCheck Terms and Conditions. A complete list of Terms and Conditions can be found at brokercheck.finra.org



For additional information about the contents of this report, please refer to the User Guidance or www.finra.org/brokercheck. It provides a glossary of terms and a list of frequently asked questions, as well as additional resources. For more information about FINRA, visit www.finra.org.

www.finra.org/brokercheck
User Guidance

## **Sharon L. Herbst**

CRD# 847172

This broker is not currently registered.

## **Report Summary for this Broker**



This report summary provides an overview of the broker's professional background and conduct. Additional information can be found in the detailed report.

#### **Broker Qualifications**

This broker is not currently registered.

#### This broker has passed:

- 0 Principal/Supervisory Exams
- 2 General Industry/Product Exams
- 2 State Securities Law Exams

## **Registration History**

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

- CALTON & ASSOCIATES, INC. CRD# 20999 Spokane Valley, WA 02/2016 - 06/2017
- B NFP ADVISOR SERVICES, LLC CRD# 42046 Spokane Valley, WA 12/2015 - 02/2016
- B EDWARD JONES CRD# 250 SPOKANE VALLEY, WA 05/2002 - 11/2015

#### **Disclosure Events**

All individuals registered to sell securities or provide investment advice are required to disclose customer complaints and arbitrations, regulatory actions, employment terminations, bankruptcy filings, and criminal or civil judicial proceedings.

Are there events disclosed about this broker? Yes

# The following types of disclosures have been reported:

Туре	Count
Regulatory Event	1
Customer Dispute	1
Termination	2

# Investment Adviser Representative Information

The information below represents the individual's record as a broker. For details on this individual's record as an investment adviser representative, visit the SEC's Investment Adviser Public Disclosure website at

https://www.adviserinfo.sec.gov

www.finra.org/brokercheck
User Guidance

## **Broker Qualifications**



## Registrations

This section provides the self-regulatory organizations (SROs) and U.S. states/territories the broker is currently registered and licensed with, the category of each license, and the date on which it became effective. This section also provides, for every brokerage firm with which the broker is currently employed, the address of each branch where the broker works.

This broker is not currently registered.

## **Broker Qualifications**



## **Industry Exams this Broker has Passed**

This section includes all securities industry exams that the broker has passed. Under limited circumstances, a broker may attain a registration after receiving an exam waiver based on exams the broker has passed and/or qualifying work experience. Any exam waivers that the broker has received are not included below. A passed exam or exam waiver does not permit a broker to do business without an active SRO or state registration.

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

## **Principal/Supervisory Exams**

Exam	Category	Date
No	information reported.	

## **General Industry/Product Exams**

Exam		Category	Date
В	Securities Industry Essentials Examination	SIE	06/13/2017
В	General Securities Representative Examination	Series 7	12/17/1977

## **State Securities Law Exams**

Exam		Category	Date
IA	Uniform Investment Adviser Law Examination	Series 65	01/04/2018
В	Uniform Securities Agent State Law Examination	Series 63	05/21/1992

Additional information about the above exams or other exams FINRA administers to brokers and other securities professionals can be found at www.finra.org/brokerqualifications/registeredrep/.

www.finra.org/brokercheck
User Guidance

## **Broker Qualifications**



# **Professional Designations**

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

No information reported.

## **Registration and Employment History**



## **Registration History**

The broker previously was registered with the following firms:

Reg	istration Dates	Firm Name	CRD#	Branch Location
B	02/2016 - 06/2017	CALTON & ASSOCIATES, INC.	20999	Spokane Valley, WA
B	12/2015 - 02/2016	NFP ADVISOR SERVICES, LLC	42046	Spokane Valley, WA
B	05/2002 - 11/2015	EDWARD JONES	250	SPOKANE VALLEY, WA
B	02/1994 - 06/2002	NELSON SECURITIES,INC.	14377	SPOKANE, WA
B	05/1979 - 05/1991	KIDDER, PEABODY & CO. INCORPORATED	7613	NEW YORK, NY
B	01/1978 - 11/1978	TUCKER, ANTHONY & R. L. DAY, INC.	837	

## **Employment History**

This section provides up to 10 years of an individual broker's employment history as reported by the individual broker on the most recently filed Form U4.

Please note that the broker is required to provide this information only while registered with FINRA or a national securities exchange and the information is not updated via Form U4 after the broker ceases to be registered. Therefore, an employment end date of "Present" may not reflect the broker's current employment status.

<b>Employment</b>	Employer Name	Position	Investment Related	<b>Employer Location</b>
08/2017 - Present	TCFG Investment Advisors, LLC	IA Representative	Υ	Laguna Niguel, CA, United States
02/2016 - 06/2017	Calton & Associates, Inc.	Registered Advisor	Υ	Huntington Beach, CA, United States
12/2015 - 02/2016	NFP Advisor Services	Invensment Rep	Υ	Spokane Valley, WA, United States
05/2002 - 10/2015	EDWARD JONES	INVESTMENT REP	Υ	ST LOUIS, MO, United States

### Other Business Activities

This section includes information, if any, as provided by the broker regarding other business activities the broker 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.

Herbst Wealth Management; 12525 E 24th Ave, Spokane Valley, WA 99216; DBA FOR SECURITIES AND INSURANCE BUSINESS;

## **Registration and Employment History**



## Other Business Activities, continued

OWNER/MANAGING DIRECTOR; 160 HOURS PER MONTH

TCFG Wealth management. Yes securities related. 28202 Cabot Rd #300, Laguna Niguel, CA 92677. Only dealing with for IA accounts all business is advisory. Manage advisory accounts

TCFG Insurance solutions. yes investment related. 28202 Cabot Rd #300, Laguna Niguel, CA 92677. all insurance products run through this side. Purchasing index annuities.

#### **Disclosure Events**



#### What you should know about reported disclosure events:

1. All individuals registered to sell securities or provide investment advice are required to disclose customer complaints and arbitrations, regulatory actions, employment terminations, bankruptcy filings, and criminal or civil judicial proceedings.

#### 2. Certain thresholds must be met before an event is reported to CRD, for example:

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

#### 3. Disclosure events in BrokerCheck reports come from different sources:

 As mentioned at the beginning of this report, information contained in BrokerCheck comes from brokers, brokerage 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 BrokerCheck report. The different versions will be separated by a solid line with the reporting source labeled.

#### 4. There are different statuses and dispositions for disclosure events:

- o A disclosure event may have a status of pending, on appeal, or final.
  - A "pending" event involves allegations that have not been proven or formally adjudicated.
  - An event that is "on appeal" involves allegations that have been adjudicated but are currently being appealed.
  - A "final" event has been concluded and its resolution is not subject to change.
- o A final 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 involves an agreement by the parties to resolve the matter. Please note that brokers and brokerage firms may choose to settle customer disputes or regulatory matters for business or other reasons.
  - A "resolved" matter usually involves no payment to the customer and no finding of wrongdoing on the part of the individual broker. Such matters generally involve customer disputes.

For your convenience, below is a matrix of the number and status of disclosure events involving this broker. Further information regarding these events can be found in the subsequent pages of this report. You also may wish to contact the broker to obtain further information regarding these events.

	Pending	Final	On Appeal
Regulatory Event	0	1	0
Customer Dispute	0	1	N/A
Termination	N/A	2	N/A



#### **Disclosure Event Details**

When evaluating this information, please keep in mind that a discloure event may be pending or involve allegations that are contested and have not been resolved or proven. The matter may, in the end, be withdrawn, dismissed, resolved in favor of the broker, or concluded through a negotiated settlement for certain business reasons (e.g., to maintain customer relationships or to limit the litigation costs associated with disputing the allegations) with no admission or finding of wrongdoing.

This report provides the information exactly as it was reported to CRD and therefore some of the specific data fields contained in the report may be blank if the information was not provided to CRD.

## Regulatory - Final

This type of disclosure event may involve (1) a final, formal proceeding initiated by a regulatory authority (e.g., a state securities agency, self-regulatory organization, federal regulatory such as the Securities and Exchange Commission, foreign financial regulatory body) for a violation of investment-related rules or regulations; or (2) a revocation or suspension of a broker's authority to act as an attorney, accountant, or federal contractor.

Disclosure 1 of 1

Reporting Source: Regulator

Regulatory Action Initiated

By:

Washington

Sanction(s) Sought: Cease and Desist

Civil and Administrative Penalty(ies)/Fine(s)

Monetary Penalty other than Fines

Requalification

Other: Documentation Requirements

**Date Initiated:** 03/14/2017

Docket/Case Number: S-16-1889-16-CO01

**URL for Regulatory Action:** 

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

**Edward Jones** 

**Product Type:** Equity Listed (Common & Preferred Stock)

Mutual Fund

Allegations: S-16-1889-16-CO01 - Sharon Herbst - Consent Order

On March 14, 2017, the Securities Division entered a Consent Order S-16-1889-16-CO01 with Sharon Herbst ("Consent Order"). Ms. Herbst (CRD # 847172) was a registered securities salesperson at Edward Jones from May 2002 to October



2015. The Consent Order states that Ms. Herbst was terminated from Edward Jones after it was discovered that she entered trades contrary to Edward Jones' policy prohibiting discretionary orders, provided inaccurate information to the firm, and entered inaccurate information into the firm's notes system. The Consent Order further states that Ms. Herbst provided inaccurate information to the Securities Division during its investigation of this matter. The Consent Order further states that these acts violated RCW 21.20.110(1) and WAC 460-22B-090. The Consent Order includes a \$30,000 fine and costs of \$5,000. The Securities Division and Ms. Herbst also agreed that Ms. Herbst will obtain a passing score on the series 66 examination within one year of the entry of the Consent Order; Ms. Herbst obtain and document specific client trade authorization information for each trade; and Ms. Herbst will be subject to a special plan of supervision for at least six months. Ms. Herbst waived her right to request judicial review of the matter.

Current Status: Final

Limitation Details: She must retake the series 66 examination within 1 year; client authorization of

trade documentation requirements; and required to be on a plan of heightened

supervision.

Resolution: 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: 03/14/2017

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

Monetary Penalty other than Fines

Requalification

Other: Client trade authorization documentation requirements and a plan of

heightened supervision.

Requalification 1 of 1

**Requalification Type:** Requalification by Exam

Length of time given to

requalify:

1 year

Type of exam required: series 66

Has condition been satisfied: No.

**Monetary Sanction 1 of 2** 



Monetary Related Sanction: Monetary Penalty other than Fines

**Total Amount:** \$5,000.00

**Portion Levied against** 

individual:

\$5,000.00

Payment Plan: Must make quarterly payments of \$250.00 until paid in full.

Is Payment Plan Current: Yes

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:** \$30,000.00

**Portion Levied against** 

individual:

\$30,000.00

Payment Plan: Must make quarterly payments of \$1500.00 until paid in full

Is Payment Plan Current: Yes

Date Paid by individual:

Was any portion of penalty

waived?

No

**Amount Waived:** 

Regulator Statement Kristen Standifer 360-902-8746

Reporting Source: Broker

**Regulatory Action Initiated** 

By:

State of Washington Department of Financial Institutions

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

Other: Consent Order

**Date Initiated:** 03/10/2016

Docket/Case Number: S-16-1889-16-CO01



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

Edward Jones

**Product Type:** Equity-OTC

Allegations: Entering transactions on behalf of clients without authorization. Violation of sales

practice regulations on discretionary trading. Providing false or misleading information to the securities division and to her employing broker-dealer.

Current Status: Final

Resolution: Order

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: 03/14/2017

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

Other: Passing of the S-66 examination within one year of the entry of this order. Failure to do so will be grounds for revocation of any Broker Dealer, securities

salesperson, investment adviser, or investment adviser representative

registration(s) she holds at that time. IT IS FURTHER AGREED AND ORDERED that for each trade Respondent enters, she will obtain and document client trade authorization immediately before the trade is entered. Documentation of the client trade authorization shall mean that for each trade Ms. Herbst will document who authorized the trade, how she spoke to the person (in-person, by telephone, etc.), the time and date she spoke to the person, the security, the purchase price, and the purchase quantity, and, if the authorization was obtained by telephone, the telephone number.

IT IS FURTHER AGREED that Respondent may apply for a securities salesperson or investment adviser representative registration. Before approval of the application her sponsoring firm must provide the Securities Division with an acceptable plan of supervision that addresses monitoring Respondent's use of discretion in client accounts. Such plan must be in place for at least six months and the Securities Division must be notified before the plan is modified or

terminated.

**Monetary Sanction 1 of 1** 

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

**Total Amount:** \$35,000.00



**Portion Levied against** 

individual:

\$35,000.00

Payment Plan: Payments of \$1,750 made quarterly starting June 1 2017 until full payment has

been made.

Is Payment Plan Current: Yes

Date Paid by individual: 03/14/2017

Was any portion of penalty

waived?

No

**Amount Waived:** 



### Customer Dispute - Closed-No Action / Withdrawn / Dismissed / Denied

This type of disclosure event involves (1) a consumer-initiated, investment-related arbitration or civil suit containing allegations of sales practice violations against the individual broker that was dismissed, withdrawn, or denied; or (2) a consumer-initiated, investment-related written complaint containing allegations that the broker engaged in sales practice violations resulting in compensatory damages of at least \$5,000, forgery, theft, or misappropriation, or conversion of funds or securities, which was closed without action, withdrawn, or denied.

Disclosure 1 of 1

**Reporting Source:** Broker

Employing firm when activities occurred which led

to the complaint:

Allegations:

**EDWARD JONES** 

THE CLIENTS STATE THE IR INFORMED THEM THERE WERE NO FEES ON THEIR ACCOUNT; THEY STATE THE IR ALSO INFORMED THEM SHE IS NOT

PAID FROM THE ACCOUNT. THE CLIENTS STATE THE IR INFORMED THEM THE RATE OF RETURN ON THEIR INVESTMENTS IS 16-20%; THEY STATE THEY LATER FOUND OUT IT WAS MUCH LESS THAN THE IR WAS QUOTING.

THE CLIENT STATES THE IR INVESTED INTO FOUR MUTUAL FUND

FAMILIES, PAYING THE IR 40% OF THE FEE. THE CLIENT STATES THE IR DID NOT REVIEW WITH THEM ANY POTENTIAL BREAKPOINTS THEY COULD RECEIVE. THE CLIENT STATES THEY WANT TO BE REIMBURSED \$22,500 FOR EXCESSIVE FEES AND LOST OPPORTUNITY TO PURCHASE OTHER INVESTMENTS WHICH COULD HAVE PROVIDED A GREATER RETURN.

Product Type: Mutual Fund(s)

Alleged Damages: \$22,500.00

**Customer Complaint Information** 

Date Complaint Received: 07/11/2006

Complaint Pending? No

Status: Closed/No Action

**Status Date:** 09/26/2006

**Settlement Amount:** 

**Individual Contribution** 

**Amount:** 

Broker Statement OUR RECORDS INDICATE THE CLIENT PAID A \$30.00 ANNUAL FEE AND THE

INITIAL SALES CHARGE ON THE CLASS A FUNDS. THE EXCHANGES WERE COMPLETED AT NAV WITHIN THE SAME FUND FAMILY. THE IR STATED SHE REVIEWED THE POTENTIAL TO RECEIVE A REDUCED SALES CHARGE BY INVESTING MORE INTO ONE FAMILY, BUT THE CLIENT WANTED TO INVEST



INTO MULTIPLE FUND FAMILIES TO HELP REDUCE THE POTENTIAL LOSSES IF A FUND FAMILY'S VALUE DECLINED. OUR RECORDS INDICATE THE CLIENT REACHED A BREAKPOINT, BUT THREE PURCHASES DID NOT RECEIVE THE PROPER BREAKPOINT PRICE. WE ARE OFFERING TO REIMBURSE THE CLIENT \$309.47; THIS IS THE DIFFERENCE IN THE BREAKPOINT PRICE AND WHAT THE CLIENT PAID ON THE THREE PURCHASES THAT DID NOT RECEIVE THE BREAKPOINT PRICES. THE VALUE OF THE CLIENT'S RETIREMENT ACCOUNT WAS AFFECTED BY MARKET CONDITIONS AND BY THE WITHDRAWAL OF APPROXIMATELY 13%. SETTLEMENT OFFER SENT TO CLIENT. NO RESPONSE FROM CLIENT. OFFER WITHDRAWN.



#### **Employment Separation After Allegations**

This type of disclosure event involves a situation where the broker voluntarily resigned, was discharged, or was permitted to resign after being accused of (1) violating investment-related statutes, regulations, rules or industry standards of conduct; (2) fraud or the wrongful taking of property; or (3) failure to supervise in connection with investment-related statutes, regulations, rules, or industry standards of conduct.

Disclosure 1 of 2

Reporting Source: Firm

Employer Name: Edward Jones

Termination Type: Discharged

Termination Date: 10/14/2015

Allegations: Violated Firm's Discretionary Orders policy, provided inaccurate information to the

Firm's Field Supervision and Compliance Resolution Departments and entered

inaccurate information into the Firm's Contact Management System.

Product Type: No Product

Reporting Source: Broker

**Employer Name:** edward jones

Termination Type: Discharged

**Termination Date:** 10/14/2015

Allegations: Discretionary trading

Product Type: No Product

Disclosure 2 of 2

**Reporting Source:** Broker

**Employer Name:** NELSON SECURITIES, INC.

**Termination Type:** Voluntary Resignation

**Termination Date:** 05/31/2002

Allegations: PREVIOUS FIRM TERMINATION: EVIDENCE THAT SHE TOOK PROPRIETARY

INFORMATION TO USE FOR HER PERSONAL GAIN WITH NEW EMPLOYER IN

DIRECT COMPETITION. PERNDING ARBITRATION WITH NASD AND LAWSUIT FILED WITH US DISTRICT COURT OF EASTERN WASHINGTON.

Product Type: No Product



#### **Other Product Types:**

#### **Broker Statement**

PREVIOUS FIRM TERMINATION: SHARON WAS UNDER INVESTIGATION AT THE TIME OF TERMINATION WHICH HAS NOW BEEN CONCLUDED WITH SHARON HERBST AND EDWARD JONES. COMMENT FROM EDWARD JONES: THE TERMINATION FORM U-5 FILED BY NELSON SECURITIES FOR SHARON HERBST INDICATED SHE HAD VOLUNTARILY RESIGNED HER EMPLOYMENT WITH NELSON SECURITIES BUT SHE WAS UNDER INTERNAL INVESTIGATION FOR TAKING PROPRIETARY INFORMATION OWNED BY NELSON SECURITIES. NELSON SECURITIES FILED AN ARBITRATION AGAINST SHARON HERBST AND EDWARD JONES CLAIMING SHARON HERBST HAD VIOLATED HER EMPLOYMENT AGREEMENT WITH NELSON SECURITIES BY SOLICITING CUSTOMERS SHE WAS ASSIGNED TO WHILE EMPLOYED BY NELSON SECURITIES AND BREACHED HER DUTY OF LOYALTY TO NELSON SECURITIES ANDENGAGED IN ACTS OF UNFAIR COMPETITION WHILE TRANSFERRING HER EMPLOYMENT TO EDWARD JONES. THE ARBITRATION WAS SETTLED BETWEEN EDWARD JONES AND **NELSON SECURITIES.** 

# **End of Report**



This page is intentionally left blank.