

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

COMPLAINANT,

V.

ANDREW WALTER HOLTMAYER,
CRD NO. 1924765,

RESPONDENT.

Disciplinary Proceeding
No. 2007007959701

Hearing Officer -- AWH

**ORDER ACCEPTING OFFER OF
SETTLEMENT**

Date: May 19, 2008

INTRODUCTION

Disciplinary Proceeding No. 2007007959701 was filed on November 2, 2007, by the Department of Enforcement of the Financial Industry Regulatory Authority ("FINRA"). ("Complainant"). Respondent Andrew Walter Holtmeyer ("Respondent") submitted an Offer of Settlement ("Offer") to Complainant on May 14, 2008. Pursuant to NASD Rule 9270(e), the Complainant and the National Adjudicatory Council ("NAC"), a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs ("ODA") have accepted the uncontested Offer. Accordingly, this Order now is issued pursuant to NASD Rule 9270(e)(3). The findings, conclusions and sanctions set forth in this Order are those stated in the Offer as accepted by the Complainant and approved by the NAC.

Under the terms of the Offer, Respondent has consented, without admitting or denying the allegations of the Complaint, and solely for the purposes of this proceeding and any other

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proceeding brought by or on behalf of FINRA, or to which FINRA is a party, to the entry of findings and violations consistent with the allegations of the Complaint, except that there shall be no finding that the failure to disclose the material information was willful, and to the imposition of the sanctions set forth below, and fully understands that this Order will become part of Respondent's permanent disciplinary record and may be considered in any future actions brought by FINRA.

BACKGROUND

Respondent first became registered with FINRA as a General Securities Representative (GSR) on approximately March 21, 1989. From January 26, 2007 through November 7, 2007, Respondent was registered with FINRA as a GSR and General Securities Principal (GSP) through member firm Westor Capital Group, Inc. (Westor). From November 21, 2007 through April 3, 2008, Respondent was registered with FINRA as a GSR and GSP through another member firm. Respondent is not currently registered with FINRA in any capacity.

Respondent does not have any relevant disciplinary history with the Securities and Exchange Commission, any self-regulatory organization or state securities regulator.

FINDINGS AND CONCLUSIONS

It has been determined that the Offer be accepted and that findings be made as follows:

On or about January 23, 2007, while completing his Uniform Application for Securities Industry Registration or Transfer (Form U4) to become registered with FINRA (formerly known as NASD) through member firm Westor, Respondent failed to disclose the material fact that he had

an unsatisfied judgment against him. Question 14M of the Form U4 asks: "Do you have any unsatisfied judgments or liens against you." Respondent answered "No" to Question 14M of the Form U4 despite knowing that, in August 2006, a previous employer firm had obtained a civil judgment against him in the amount of \$50,265 in the Supreme Court of the State of New York, County of Suffolk, arising from an employment and compensation dispute with the previous employer firm and that the civil judgment had not been satisfied at the time Respondent completed his Form U4 with Westor. Respondent first amended his Form U4 in March 2007 to disclose the unsatisfied judgment.

Based on the foregoing, Respondent acted in contravention of Article V, Section 2(c) of FINRA's By-Laws and violated NASD Interpretive Memorandum (IM) 1000-1 and NASD Conduct Rule 2110.

Based on these considerations, the sanctions hereby imposed by the acceptance of the Offer are in the public interest, are sufficiently remedial to deter Respondent from any future misconduct, and represent a proper discharge by FINRA, of its regulatory responsibility under the Securities Exchange Act of 1934.

SANCTIONS

It is ordered that Respondent be:

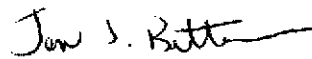
- (1) suspended from association with any FINRA member in any capacity for a period of twenty (20) business days; and
- (2) fined in the amount of \$5,000.

The sanctions imposed herein shall be effective on a date set by FINRA staff.

SO ORDERED.

FINRA

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



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