

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

Department of Enforcement,

Complainant,

v.

Ryan Matthew Nestor;
CRD No. 4376585,

Respondent.

Disciplinary Proceeding

(No. 20080125402)

Hearing Officer Matthew Campbell

**ORDER ACCEPTING OFFER OF
SETTLEMENT**

Date: February 23, 2010

INTRODUCTION

Disciplinary Proceeding No. 20080125402 was filed on November 19, 2009, by the Department of Enforcement of the Financial Industry Regulatory Authority ("FINRA"). On December 11, 2009, FINRA filed Amended Notice of Complaint and the Complaint. Respondent Nestor submitted an Offer of Settlement ("Offer") dated February 5, 2010 to 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, 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

Nestor was born in [REDACTED]. From on or about January 19, 2006 through February 27, 2008, Nestor was employed as an independent contractor and registered as an Investment Company and Variable Contracts Products Representative ("IR") with FINRA member MML Investor Services, Inc. ("MMLISI" or the "Firm"). During this same period Nestor was also affiliated with Charter Oak Insurance and Financial Services Co. ("Charter Oak"), an insurance company affiliate of MMLISI. Nestor was employed in the Firm's Boston office as an independent contractor and IR with MMLISI until his termination on February 27, 2008. Nestor is not currently employed in the securities industry in a capacity known to FINRA.

On or about February __, 2010, an Order Accepting Offer of Settlement was entered, pursuant to which Nestor consented, without admitting or denying the allegations, to findings that he had violated NASD Conduct Rules 2330(a), 2110 and 8210 for, respectively, converting a total of \$760,000 from two customers, forging the signature of a customer and a trustee on wire transfer forms and failing to respond to requests for information. Nestor also consented to a bar from association with any member of FINRA in any capacity.

FINDINGS AND CONCLUSIONS

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

I. Conversion and Forgery

On or about April 3, 2007, Nestor caused the unauthorized wire transfer of \$170,000 from customer JM's account at MMLISI to a third party account at EW Bank by signing customer JM's signature to a wire transfer form, without JM's authorization or consent. JM never gave Nestor permission or authority to transfer \$170,000 from her account to a third party account at EW Bank. JM was a 74 year-old widow at the time of the unauthorized wire transfer.

Between January 2007 through May 2007, GC was the trustee of the HH Irrevocable Life Insurance Trust (the "HH Trust") that was established by HH, on behalf of her two adult children. In May of 2007, HH was an 85 year-old widow. On or about May 14, 2007, Nestor caused the unauthorized wire transfer of \$590,000 from the HH Trust account at MMLISI to a third party account at EW Bank by signing GC's signature to a wire transfer form, without GC's authorization or consent. Trustee GC and HH never gave Nestor permission or authority to transfer \$590,000 from the HH Trust to a third party account at EW Bank.

II. Failure to Provide Information

On or about June 13, 2008 and pursuant to NASD Procedural Rule 8210, FINRA staff sent a letter (the "June 13 Letter") to Nestor requesting information regarding his conduct in connection with the unauthorized wire transfers from the accounts of JM and HH Trust. The June 13 Letter required a response by June 30, 2008. In addition, the June 13 letter warned Nestor that if he did not provide the information he would be subject to disciplinary action. The June 13 Letter was

sent by certified mail, return receipt requested, and by first class mail to Nestor's last know home address, as reflected in the FINRA Central Registration Depository ("CRD"): [REDACTED]

[REDACTED] (the "CRD Address"). The first class copy of the June 13 Letter was not returned to FINRA. The certified copy of the June 13 Letter was returned to FINRA marked "unclaimed". Nestor never responded to the June 13 Letter.

On or about July 11, 2008 and pursuant to NASD Procedural Rule 8210, FINRA staff sent a second letter (the "July 11 Letter") to Nestor requesting information regarding his conduct in connection with the unauthorized wire transfers from the accounts of JM and HH Trust. The July 11 Letter required a response by July 31, 2008. In addition, the July 11 Letter warned Nestor that if he did not provide the information he would be subject to disciplinary action. The July 31 Letter was sent by certified mail, return receipt requested, and by first class mail to Nestor's CRD address. The first class copy of the July 11 Letter was not returned to FINRA. The return receipt that was attached to the July 11 Letter was returned to FINRA, but the signature was not legible. Nestor never responded to the July 11 Letter.

Based on the foregoing, it is evident that Nestor converted funds from two customers of his member firm employer and violated Conduct Rules 2330(a) and 2110. Nestor also forged the signature of a customer and the signature of a trustee on wire transfer forms and thereby violated Conduct Rule 2110. In addition, it is evident that Nestor was properly served with requests for information, at the address listed on the CRD, concerning the allegations that gave rise to the instant investigation, failed to respond to the requests and violated NASD Rule 8210 and 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. barred from association with any member of FINRA in any capacity.

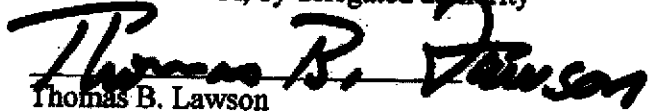
The sanctions imposed herein shall be effective on a date set by FINRA staff.

SO ORDERED.

Dated: February 23, 2010

FINRA

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

A handwritten signature in black ink, appearing to read "Thomas B. Lawson", is written over a horizontal line.

Thomas B. Lawson

Vice President

FINRA Department of Enforcement

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