

**FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA)
OFFICE OF HEARING OFFICERS**

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Department of Market Regulation,
Complainant,

v.

David E. Weiner
CRD No. 1763447,

Respondent.

Disc. Proc. No. 20080142016
Hearing Officer: Sara N. Bloom

**ORDER ACCEPTING OFFER
OF SETTLEMENT**

Date: June 10, 2009

INTRODUCTION

Disciplinary Proceeding No. 20080142016 was filed on January 14, 2009, by the Department of Market Regulation of FINRA ("Complainant"). Respondent David E. Weiner ("Respondent") submitted an Offer of Settlement ("Offer") to Complainant on May 18, 2009. Pursuant to Code of FINRA 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 FINRA 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 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.

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BACKGROUND

Respondent became employed in the securities industry as an associated person of a broker-dealer registered with FINRA on or about October 1, 1987. Respondent was subsequently associated with four different FINRA member broker-dealers, and was last registered with a FINRA member firm from December 3, 2001 through January 18, 2007. Respondent is subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.

FINDINGS AND CONCLUSIONS

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

On November 6, 2007, the Department of Market Regulation staff ("the staff") conducted an on-the-record interview ("OTR") of the Respondent. The staff did not complete Respondent's OTR on November 6, 2007. On January 24, 2008, the staff sent a NASD Rule 8210 Request to Respondent, through his counsel, requiring Respondent to appear to complete his OTR on February 5, 2008. A copy of the Rule 8210 Request was also sent to Respondent's last known home address as reflected in CRD.

Despite receiving the NASD Rule 8210 Request for testimony, Respondent refused to appear for his on-the-record interview on February 5, 2008. As a result of Respondent's failure to appear, the staff was prevented from pursuing certain areas of an ongoing FINRA investigation. Based on the foregoing, Respondent violated NASD Rules 2110 and 8210.

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

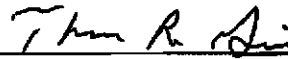
It is ordered that Respondent be suspended from association with any FINRA member in all capacities for a period of two years, and shall pay a fine of \$5,000 upon reassociation with a member firm following the two-year suspension period noted above, or prior to any application or request for relief from any statutory disqualification from this or any other event or proceeding, whichever is earlier.

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



Thomas R. Gira
Executive Vice President
Department of Market Regulation