

FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2008014940401

TO: Department of Enforcement
Financial Industry Regulatory Authority ("FINRA")

RE: Andres Barcenas, Jr.
General Securities Representative
CRD-No. 5154536

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Respondent submits this Letter of Acceptance, Waiver and Consent ("AWC") for the purpose of proposing a settlement of the alleged rule violations described below. This AWC is submitted on the condition that, if accepted, FINRA will not bring any future actions against me alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. I hereby accept and consent, without admitting or denying the findings, 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, prior to a hearing and without an adjudication of any issue of law or fact, to the entry of the following findings by FINRA:

BACKGROUND

Barcenas entered the securities industry with Ameriprise Financial Services in June 2006. He has Series 7 and 66 licenses. Barcenas was terminated by Ameriprise Financial Services on September 8, 2008. Since that time he has not been associated with any other FINRA member firm.

RELEVANT DISCIPLINARY HISTORY

Barcenas has no prior disciplinary history.

OVERVIEW

Andres Barcenas, Jr. violated NASD Rules 3110 and 2110 by forging customer signatures and affixing photocopied signatures on paperwork for five customers. This conduct caused the records of Barcenas' employer firm to be inaccurate.

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FACTS AND VIOLATIVE CONDUCT

Andres Barcenas, Jr. violated NASD Conduct Rules 3110 and 2110 by forging customer signatures and affixing photocopied signatures on paperwork for five customers. Barcenas photocopied signature pages from Delivery Assurance Forms executed by three customers in 2007, and he improperly affixed them to forms for 2008. Barcenas also signed two customers' signatures on a Delivery Assurance Form without their authorization in January 2007. This conduct caused the records of Barcenas' employer firm to be inaccurate.

Such acts, practices, and conduct constitute violations of NASD Conduct Rules 3110 and 2110 by Respondent Barcenas.

B. I also consent to the imposition of the following sanctions:

A three-month suspension in all capacities and a deferred monetary fine in the amount of \$5,000.

The fine shall be due and payable either immediately upon reassociation with a member firm following the three-month suspension noted above, or prior to any application or request for relief from any statutory disqualification resulting from this or any other event or proceeding, whichever is earlier.

I specifically and voluntarily waive any right to claim that I am unable to pay, now or at any time hereafter, the monetary sanction imposed in this matter.

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

II.

WAIVER OF PROCEDURAL RIGHTS

I specifically and voluntarily waive the following rights granted under FINRA's Code of Procedure:

- A. To have a Complaint issued specifying the allegations against me;
- B. To be notified of the Complaint and have the opportunity to answer the allegations in writing;
- C. To defend against the allegations in a disciplinary hearing before a hearing panel, to have a written record of the hearing made and to have a written decision issued; and

- D. To appeal any such decision to the National Adjudicatory Council ("NAC") and then to the U.S. Securities and Exchange Commission and a U.S. Court of Appeals.

Further, I specifically and voluntarily waive any right to claim bias or prejudice of the General Counsel, the NAC, or any member of the NAC, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including acceptance or rejection of this AWC.

I further specifically and voluntarily waive any right to claim that a person violated the ex parte prohibitions of FINRA Rule 9143 or the separation of functions prohibitions of FINRA Rule 9144, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including its acceptance or rejection.

III.

OTHER MATTERS

I understand that:

- A. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by the NAC, a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs ("ODA"), pursuant to FINRA Rule 9216;
- B. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against me; and
- C. If accepted:
 - 1. this AWC will become part of my permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against me;
 - 2. this AWC will be made available through FINRA's public disclosure program in response to public inquiries about my disciplinary record;
 - 3. FINRA may make a public announcement concerning this agreement and the subject matter thereof in accordance with FINRA Rule 8313; and
 - 4. I may not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any finding in this AWC or create the impression that the AWC

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No. 2008014940401/Andres Barcenas, Jr.

inconsistent with any part of this AWC. Nothing in this provision affects my right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.

- D. I may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. I understand that I may not deny the charges or make any statement that is inconsistent with the AWC in this Statement. This Statement does not constitute factual or legal findings by FINRA, nor does it reflect the views of FINRA or its staff.

I certify that I have read and understand all of the provisions of this AWC and have been given a full opportunity to ask questions about it; that I have agreed to its provisions voluntarily; and that no offer, threat, inducement, or promise of any kind, other than the terms set forth herein and the prospect of avoiding the issuance of a Complaint, has been made to induce me to submit it.

04/19/2010
Date (mm/dd/yyyy)

Andres Barcenas
Respondent Andres Barcenas, Jr.

Accepted by FINRA:

04/28/2010
Date

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

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