

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

NOLAN WAYNE MOORE
(CRD No. 3237722),

Respondent.

Disciplinary Proceeding
No. 2008015105601

Hearing Officer – MC

DEFAULT DECISION

May 3, 2011

For failing to provide testimony, in violation of FINRA Conduct Rule 2010 and Procedural Rule 8210, Respondent is barred from associating with any FINRA member firm in any capacity. In light of the bar, there is no need to impose additional sanctions upon Respondent either for (i) failing to provide information and documents in a timely fashion when requested to do so pursuant to Rule 8210, also in violation of FINRA Rules 2010 and 8210; or (ii) engaging in outside business activities without providing written notice to his employer firm, in violation of NASD Conduct Rules 2110 and 3030, and FINRA Conduct Rule 2010.

Appearances:

Jeffrey P. Bloom, Senior Special Counsel, Washington, DC, for the Department of Enforcement.

No appearance by or on behalf of Respondent Nolan Wayne Moore.

DECISION

I. Introduction

The Department of Enforcement filed the attached three-cause Complaint on December 1, 2010. The First Cause of Action alleges that from March 2006 until March 2009, Respondent Nolan Wayne Moore engaged in outside business activities without providing written notice to his employer firm, in violation of NASD Conduct Rules 2110 and 3030, and

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FINRA Conduct Rule 2010.¹ The remaining two charges in the Complaint describe violations stemming from Moore's failure to respond to requests made pursuant to FINRA Procedural Rule 8210. The Second Cause of Action alleges that Moore failed to provide information and documents, and the Third Cause of Action alleges that Moore failed to provide testimony, in violation of FINRA Conduct Rule 2010 and Procedural Rule 8210. Enforcement served the Complaint, Notice of Complaint, and Second Notice of Complaint upon Moore by certified mail at his last residential address as it appears in the Central Registration Depository and a second residential address that Moore provided to Enforcement. Moore did not respond to the Complaint. Consequently, on March 2, 2011, Enforcement filed a Motion for Entry of Default Decision ("Default Motion") supported by the Declaration of Jeffrey P. Bloom and four exhibits.²

II. Findings of Fact and Conclusions of Law

A. Jurisdiction

During the period relevant to the Complaint, Moore was registered as an Investment Company Products/Variable Contracts Representative at FINRA member firm NYLife Securities, LLC ("NYLife"). After NYLife terminated Moore's employment on February 28,

¹ As of July 30, 2007, NASD consolidated with the member regulation and enforcement functions of NYSE Regulation and began operating under a new corporate name, the Financial Industry Regulatory Authority (FINRA). Following consolidation, FINRA began developing a new FINRA Consolidated Rulebook. See Regulatory Notice 08-57 (Oct. 2008). Moore initially engaged in the outside business activities described in the First Cause of Action in March 2006. At that time, Moore's misconduct violated NASD Conduct Rules 2110 and 3030. On December 15, 2008, the first phase of the newly consolidated rules became effective and NASD Conduct Rule 2110 was replaced by FINRA Conduct Rule 2010 (which is identical to NASD Rule 2110). However, NASD Rule 3030 was still in effect until December 15, 2010. Thus Moore's outside business activities occurring from December 15, 2008, until March 30, 2009, violated FINRA Conduct Rule 2010 and NASD Conduct Rule 3030. NASD Procedural Rule 8210 was replaced by the identical FINRA Procedural Rule 8210, effective on December 15, 2008. Therefore Moore's Rule 8210 violations, all of which occurred in 2010, violated FINRA Conduct Rule 2010 and Procedural Rule 8210. The rules are available at www.finra.org/rules.

² Enforcement's exhibits will be referred to as "CX-__" with the appropriate exhibit and page numbers. The Declaration of Jeffrey P. Bloom will be referred to as "Decl." or "Bloom Declaration" with citation to specific paragraphs.

2009, for violating company policies, Moore registered with FINRA through another member firm from September 16, 2009, until October 6, 2009.³

Because the Complaint alleges misconduct by Moore while he was registered with FINRA and within two years of his last registration, and because Enforcement filed the Complaint less than two years after he was last registered, FINRA retains jurisdiction over him for the purposes of this disciplinary proceeding.⁴

B. Default

Enforcement served the Complaint and Notice of Complaint upon Moore by certified mail at his CRD address on December 1, 2010, and at a second residential address that Moore gave to Enforcement.⁵ The Postal Service returned both mailings to Enforcement. The mailing to Moore's CRD address was marked "MLNA" (for "Moved Left No Address") and the mailing to the second address was returned marked "N/L 12/4" (for "Notice Left").⁶

Enforcement served the Complaint and the Second Notice of Complaint upon Moore at both addresses, again by certified mail, on January 3, 2011. Once again, the Postal Service returned both mailings to Enforcement. The returned mailing to the CRD address had no notations. The mailing to the second address was returned marked "NL 1/7."⁷

Moore failed to file an Answer or otherwise respond to the Complaint. By serving the Complaint, Notice of Complaint, and Second Notice of Complaint upon Moore by certified mail at his CRD address and the second address, Enforcement complied with the requirements of Rule

³ Decl. ¶¶ 5-6; CX-2. According to the Form U5 filed by NYLife, Moore violated firm policies by accepting fees directly from a customer without disclosing to the firm that he had done so.

⁴ Decl. ¶ 8; Article V, Section 4(a), FINRA By-Laws.

⁵ Decl. ¶ 8.

⁶ Decl. ¶ 9; CX-3.

⁷ Decl. ¶¶ 11-12; CX-4.

9134 and provided Moore with constructive notice that the Complaint had been filed.⁸ By failing to file an Answer, Moore defaulted. Accordingly, pursuant to Rules 9215(f) and 9269(a)(2), and for the reasons set forth below, the Default Motion is granted.⁹

C. Violations

1. Moore Engaged Improperly in Outside Business Activities

From March 2006 through February 2009, while employed by and registered through NYLife, Moore engaged in outside business activities with several of his customers.

Between March 2006 and August 2008, customer LB paid Moore monthly fees to provide banking and other services. For those services, Moore received payments through withdrawals from LB's bank account totaling approximately \$15,800.¹⁰

From March 2006 through March 2009, a married couple, both with the initials RF, paid Moore monthly fees for financial planning and other services he provided to them. They paid Moore a total of approximately \$9,250.¹¹

Moore did not notify NYLife of the services he provided to these customers, or of the payments he received from them for doing so. NYLife did not approve Moore's receipt of the payments from these customers, and NYLife did not receive any portion of the payments.¹²

On November 13, 2008, Moore sold customer MM an equity indexed annuity ("EIA") issued by another company for \$228,000, and received commissions totaling \$23,940. When Moore made the sale, NYLife prohibited its agents from selling EIAs. Moore failed to notify

⁸ FINRA Procedural Rule 9134(a); *Dep't of Enforcement v. Verdiner*, No. CAF020004, 2003 NASD Discip. LEXIS 42, at *5 n. 1 (N.A.C. Dec. 9, 2003) (NASD Procedural Rule 9134(b)(1) allows for constructive notice by mailing a complaint to the respondent's most recent CRD address) (citing *Lubeck v. SEC*, 1998 U.S. App. LEXIS 18849, at *20 (9th Cir. Aug. 12, 1998)).

⁹ The factual determinations in this Default Decision are based on the allegations of the attached Complaint, which are deemed admitted, as well as the Bloom Declaration and the exhibits filed by Enforcement.

¹⁰ Decl. ¶¶ 15-17.

¹¹ Decl. ¶¶ 18-19.

¹² Decl. ¶ 20.

NYLife of the sale of the EIA and of his business activity with the other company in connection with its sale.¹³

In response to requests for information issued to Moore pursuant to Rule 8210, he admitted receiving the payments for services to these customers but claimed that NYLife was aware of the sale of the EIA to MM through the other company and approved it.¹⁴

These facts, as alleged in the First Cause of Action of the Complaint and supported by the Bloom Declaration, suffice to establish, for the purposes of this Default Decision, that Moore violated NASD Conduct Rules 2110 and 3030, and FINRA Rule 2010, by engaging in outside business activities without providing written notice to NYLife as required.

2. Moore Failed to Provide Information, Documents, and Testimony

To investigate Moore's outside business activities, on January 7 and February 4, 2010, Enforcement issued requests for information and documents pursuant to FINRA Rule 8210. Enforcement sent the requests to Moore by certified mail at his CRD address and the second address. Although the January 7 mailings were not returned, and Enforcement received no return receipts for them, Enforcement verified through the USPS website that the Postal Service left notices of the mailings at the two addresses.¹⁵ The Postal Service returned both of the February 4 mailings. The mailing sent to the CRD address was marked "Attempted not known," and the mailing to the second address was returned unclaimed.¹⁶

Moore did not provide the requested documents and information.¹⁷

¹³ Decl. ¶¶ 21-24.

¹⁴ Decl. ¶¶ 25-26.

¹⁵ Decl. ¶¶ 27-29.

¹⁶ Decl. ¶ 30.

¹⁷ Decl. ¶ 32.

On April 27, 2010, Enforcement sent a letter to Moore informing him that he was suspended pursuant to FINRA Procedural Rule 9552 for failing to respond to the previous Rule 8210 requests.¹⁸

On May 21, 2010, Enforcement sent Moore another notice of suspension pursuant to Rule 9552. This notice of suspension set a deadline of July 30, 2010, for Moore to request a hearing to contest the suspension, and informed him that if he failed to do so he would be barred from associating with any FINRA member firm in any capacity.¹⁹ Two days before the deadline, on July 28, 2010, Moore requested termination of the suspension and provided responses to the previous Rule 8210 requests for documents and information. FINRA therefore terminated Moore's suspension.²⁰

These facts, as alleged in the Second Cause of the Complaint and supported by the Bloom Declaration, suffice to establish, for the purposes of this Default Decision, Moore's failure to make a timely response to Enforcement's Rule 8210 requests for information. By this conduct, Moore violated FINRA Conduct Rule 2010 and Procedural Rule 8210.

3. Moore Failed to Provide Testimony

In the course of investigating Moore's relationship with MM, and the possibility that Moore had misappropriated his customer's funds, FINRA's Member Regulation Department made four separate, futile requests pursuant to FINRA Rule 8210 for Moore to provide on-the-record testimony.²¹

¹⁸ Decl. ¶¶ 33-34.

¹⁹ Decl. ¶ 35.

²⁰ Decl. ¶¶ 36-37.

²¹ Decl. ¶ 53.

Member Regulation made the first request on January 26, 2010, by certified and first-class mail sent to the CRD address, the second address, and a new business address Moore had provided. Member Regulation set February 23, 2010, for the testimony.²²

On February 19, 2010, Moore notified Member Regulation that he would not appear to provide testimony on February 23. In response, on February 22, Member Regulation sent a second Rule 8210 request for on-the-record testimony by certified and first-class mail to Moore at his CRD and second address. In the request, Member Regulation invited Moore to select one of three dates in late March 2010 to provide the testimony. The Postal Service returned both certified mailings as unclaimed but did not return the first-class mailings. Moore did not respond.²³

On March 1, 2010, Member Regulation sent the third Rule 8210 request for on-the-record testimony to Moore by certified and first-class mail at his CRD and the second address. In addition, Member Regulation e-mailed the request to an e-mail address from which Moore had corresponded with Member Regulation. The request set March 23, 2010, for the testimony. On the day before his scheduled testimony, Moore informed Member Regulation by e-mail that he would not appear, but that he would call to reschedule the interview. He neither appeared on the scheduled date nor called to reschedule.²⁴

On April 1, 2010, Member Regulation sent the fourth Rule 8210 request for testimony to Moore by certified and first-class mail, as before to Moore's CRD address and the second

²² Decl. ¶¶ 39-41.

²³ Decl. ¶¶ 42-45.

²⁴ Decl. ¶¶ 46-48.

address, as well as his e-mail address. Member Regulation set April 19, 2010, for Moore to testify. On the scheduled date, Moore failed to appear.²⁵

Moore's failure to comply with the Rule 8210 requests for testimony prevented Member Regulation from completing its investigation into alleged misappropriation of customer funds by Moore.²⁶

These facts, as alleged in the Third Cause of the Complaint and supported by the Bloom Declaration, suffice to establish, for the purposes of this Default Decision, that Moore violated FINRA Conduct Rule 2010 and Procedural Rule 8210 by failing to comply with Member Regulation's repeated requests to provide testimony pursuant to Rule 8210.

III. Sanctions

Enforcement argues that separate bars should be imposed upon Moore for failing to provide a timely response to requests for documents and information and for refusing to appear to testify as requested pursuant to FINRA Rule 8210. In addition, Enforcement recommends imposing a suspension and a fine to sanction Moore for his improper outside business activities. For the reasons set forth below, however, the imposition of a bar for Moore's failure to testify obviates the need to impose sanctions for the other violations.

A. Failure to Provide Information and Documents

For failing to comply with Rule 8210 requests to provide information and documents, the Sanction Guidelines recommend a bar. If there are mitigating factors, the Guidelines recommend consideration of a suspension in any or all capacities for up to two years.²⁷ In this case, Moore ultimately responded to Enforcement's Rule 8210 requests for information and

²⁵ The Postal Service returned to Enforcement the certified mailing to the CRD address, marked "attempted-not known." The certified mailing to the second address was returned as unclaimed. The first-class mailing to the CRD address was also returned marked "attempted-not known." The first-class mailing to the second address was not returned. Decl. ¶¶ 49-52.

²⁶ Decl. ¶ 53.

²⁷ *FINRA Sanction Guidelines* at 33 (2011).

documents, but he did so only after Enforcement sent him repeated requests, and not until just two days before he would have been barred pursuant to the notices of suspension issued to him pursuant to Rule 9552. Moore's failure to provide a timely response impeded Enforcement's investigation into Moore's outside business activity.

B. Improperly Engaging in Outside Business Activities

Enforcement requests imposition upon Moore of a one-year suspension from association with any FINRA member firm and a fine of \$75,000 for his outside business activities that violated NASD Conduct Rules 2110 and 3070, and FINRA Rule 2010.

For engaging in outside business activities without prior notification to an employer firm, FINRA's Sanction Guidelines recommend a fine from \$2,500 to \$50,000 and a suspension for up to 30 business days in the absence of aggravating factors. In egregious cases, the Guidelines recommend a suspension of up to a year or a bar. The Guidelines identify as Principal Considerations whether the outside activity involves customers of the respondent's employer firm; the duration of the misconduct; the number of customers; the dollar volume of the sales; and whether a respondent misleads the employer firm about the activity or conceals it from the firm.²⁸

Were it necessary to impose sanctions for Moore's failure to provide information and documents in a timely manner in response to requests issued pursuant to Rule 8210, and for engaging improperly in outside business activities, Enforcement's recommendations would be appropriate and reasonable. Because of the bar imposed for Moore's failure to provide on-the-record testimony, however, it is unnecessary to impose further sanctions upon Moore for these violations.

²⁸ FINRA Sanction Guidelines at 13.

C. Failure to Testify

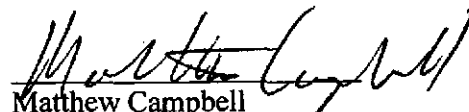
Rule 8210 gives FINRA “the right to require a member or person associated with a member to provide information, orally or in writing, in connection with an examination or investigation. The rule further states that no member or person shall fail to provide such information.”²⁹ Concerning sanctions, “[t]he Guidelines treat a failure to respond ... as egregious...”³⁰ In this case, Enforcement gave Moore multiple opportunities to provide testimony and even permitted him to select from among several dates to do so. Member Regulation properly sought his testimony in order to complete an investigation into the serious matter of whether or not Moore had misappropriated customer funds. Moore’s repeated refusals to provide testimony frustrated Member Regulation’s effort to perform its regulatory responsibilities.

For these reasons, a bar from the securities industry is the appropriate sanction for Moore’s egregious failure to respond to FINRA’s requests for information pursuant to Rule 8210.

IV. Order

Respondent Nolan Wayne Moore is barred from associating with any FINRA member firm in any capacity for violating FINRA Conduct Rule 2010 and Procedural Rule 8210 by failing to provide on-the-record testimony as requested pursuant to Rule 8210.

If this Decision becomes FINRA’s final disciplinary action, the bar shall be effective immediately.


Matthew Campbell
Hearing Officer

²⁹ *Dep’t of Enforcement v. Masceri*, No. C8A040079, 2006 NASD Discip. LEXIS 29, at *36 (N.A.C. Dec. 18, 2006).

³⁰ *Id.* at *41.

Copies to: Nolan Wayne Moore (*via FedEx and first-class mail*)
Jeffrey P. Bloom, Esq. (*via electronic and first-class mail*)
David R. Sonnenberg, Esq. (*via electronic mail*)

**FINRA
OFFICE OF HEARING OFFICERS**

Department of Enforcement,

Complainant,

v.

**Nolan Wayne Moore,
CRD No. 3237722,**

Respondent.

**Disciplinary Proceeding
No. 2008015105601**

Hearing Officer _____

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. Between March 2006 and March 2009, Nolan Wayne Moore ("Moore") was employed by and registered with NYLife Securities, LLC ("NYLife" or "the firm"). During that time, he participated in outside business activities without advising and receiving approval from the firm. Moore was paid by certain individuals to assist them with financial matters. He also sold an equity indexed annuity ("EIA") to an individual and was compensated for the sale by another firm, while NYLife prohibited its agents from selling EIAs.

2. On multiple occasions, Moore failed to respond to information requests sent to him pursuant to FINRA Rule 8210, leading to him being suspended pursuant to FINRA Rule 9552. He also failed to appear for an on the record interview scheduled pursuant to Rule 8210. Moore finally produced the requested documents and information two days before the suspension was to become a bar from the industry pursuant to the terms of Rule 9552.

3. By engaging in this conduct, Moore violated NASD Rules 3030 and 2110 and FINRA Rules 2010 and 8210.

RESPONDENT

4. Nolan Wayne Moore, CRD No. 3237722, entered the securities industry in May 1999 as an Investment Company Products/Variable Contracts representative. He was registered with NYLife from May 1999 until his employment was terminated on February 28, 2009. Moore was registered with another firm from September 16, 2009 until October 6, 2009, which was when he was last registered with a FINRA regulated firm. Although Respondent has not been associated with a FINRA member firm since October 6, 2009, he remains subject to FINRA's jurisdiction for purposes of this proceeding, pursuant to Article V, Section 4 of FINRA's By-Laws, because (1) the Complaint was filed within two years after the date upon which he ceased to be associated with a FINRA member and (2) the Complaint charges him with misconduct committed while he was associated with a FINRA member and with failing to respond to FINRA requests for information and with failing to appear for on-the-record testimony during the two-year period after the date upon which he ceased to be associated with a FINRA member.

FACTS

Outside Business Activities

5. Moore was employed by and registered with NYLife between March 2006 and March 2009.
6. Between March 2006 and August 2008, Moore was paid monthly by customer LB to provide banking and other services.
7. For at least a portion of the time Moore was providing those services, the address of record for LB's bank account was Moore's business address.
8. Moore was paid for those services by withdrawals taken directly from LB's bank account, totaling approximately \$15,800.

9. From March 2006 through March 2009, Moore was paid monthly by customers RF and RF to provide financial planning and other services.
10. RF and RF paid Moore \$250 per month through an automatic payment system for those services, totaling approximately \$9,250.
11. Moore did not notify NYLife that he was being paid to provide services to LB or RF and RF nor did he seek, or obtain, permission from NYLife to be paid to provide such services.
12. NYLife received no portion of the amounts paid to Moore by LB or RF and RF for those services.
13. On or about November 13, 2008, Moore sold customer MM an EIA issued by American Equity Investment Life Insurance Company for \$228,000.
14. American Equity paid Moore \$23,940 in commissions for the sale of the EIA.
15. At the time that Moore sold MM the EIA, NYLife prohibited its agents from selling EIAs.
16. Moore did not notify NYLife of the EIA sale nor did he seek, or obtain, permission from NYLife to participate in outside business activities with American Equity.
17. NYLife terminated Moore's employment for participating in the above-described undisclosed outside business activities.

Document Requests

18. During the course of Enforcement's investigation of Moore's outside business activities relating to RF and RF, on January 7, 2010 and February 4, 2010, Enforcement sent Moore letters via certified mail, pursuant to FINRA Rule 8210, requesting that he provide certain documents and information regarding his relationship with RF and RF. The first letter requested

that he provide the documents and information on or before January 28, 2010 and the second letter requested that he provide the documents and information on or before February 26, 2010.

19. Both letters were sent to Moore's home address as listed in the Central Registration Depository ("the CRD address") and to an address in Cherry Valley, California, which Moore previously confirmed was his current residential address ("the current address").

20. Neither copy of the January 7 letter was returned and the Post Office never provided the return receipt "green cards," but tracking on the USPS website noted that notice was left for Moore at both the CRD address and the current address.

21. The February 4 letters were both returned by the Post Office. The copy sent to the CRD address noted "Attempted not known." The copy sent to the current address was returned as unclaimed.

22. Moore failed to provide the documents and information as requested.

23. On April 27, 2010, Enforcement sent Moore a letter noting his suspension pursuant to FINRA Rule 9552. The letter, which enclosed copies of the January 7, 2010 and February 4, 2010 letters, was sent by FedEx and first class mail to the CRD address and the current address.

24. The FedEx tracking website noted that the letter sent to the current address was delivered. The letter sent by FedEx to the CRD address was refused and returned. The letters sent by first class mail were not returned.

25. On May 21, 2010, Enforcement's Los Angeles office sent Moore a notice of suspension pursuant to Rule 9552. It was sent to six different addresses, including the CRD address and the current address, along with other addresses identified through searches as

addresses where Moore might be located. That letter noted Moore would be barred on July 30, 2010 if he failed to request a termination of the suspension.

26. On July 28, 2010, Moore requested termination of the suspension and responded to the request for documents and information in the RF and RF portion of the investigation.

27. Based on that production and Moore's formal request, Moore's suspension was terminated.

On The Record Interview

28. In 2009 and 2010, the Los Angeles office of FINRA's Member Regulation Department was investigating Moore's relationship with MM, matter number 20090187470.

29. In the course of that investigation, Member Regulation sent Moore a letter via certified and first class mail, pursuant to FINRA Rule 8210, requesting that he provide on-the-record testimony on February 23, 2010.

30. The letter was sent to the CRD address, to the current address, and to an address Moore had provided as his new business address.

31. All of the certified mail copies of the letter were returned by the Post Office as unclaimed. The first class mail copy to the CRD address was returned by the Post Office as "attempted - not known" with the handwritten notation "doesn't live here." The first class mail copies to the current address and the business address were not returned.

32. On February 19, 2010, Moore notified Member Regulation via email that he would not appear on February 23, 2010 to give testimony.

33. On February 22, 2010, Member Regulation sent Moore a letter via certified and first class mail providing three alternate dates in late March for him to provide on-the-record testimony and requesting that he select one of the dates.

34. The letter was sent to the CRD address and to the current address.
35. The certified mail copies of the letter were returned by the Post Office as unclaimed. The first class mail copies were not returned.
36. Moore did not respond to the request.
37. On March 1, 2010, Member Regulation sent Moore a letter via certified and first class mail, pursuant to FINRA Rule 8210, requesting that he provide on-the-record testimony on March 23, 2010.
38. The letter was sent to the CRD address and to the current address. A .pdf copy of the letter was also sent to Moore by email at the email address from which he had corresponded to Member Regulation.
39. Both of the certified mail copies of the letter were returned by the Post Office, the copy to the current address as unclaimed and the copy to the CRD address as "attempted - not known." The first class mail copies were not returned.
40. On March 22, 2010, Moore notified Member Regulation via email that he would not appear on March 23, 2010 to give testimony. In the email, Moore told Member Regulation he would call to reschedule the interview. He did not appear on March 23, 2010, and he did not call Member Regulation to reschedule.
41. On April 1, 2010, Member Regulation sent Moore a letter via certified and first class mail, pursuant to FINRA Rule 8210, requesting that he provide on-the-record testimony on April 19, 2010.
42. The letter was sent to the CRD address and to the current address. A .pdf copy of the letter was also sent to Moore by email at the email address from which he had corresponded to Member Regulation.

43. Both of the certified mail copies of the letter were returned by the Post Office, the copy to the current address as unclaimed and the copy to the CRD address as "attempted - not known." The first class mail copy to the CRD address was returned by the Post Office as "attempted - not known" and the first class mail copy to the current address was not returned.

44. Moore did not appear to give testimony on April 19, 2010 and did not provide notice to Member Regulation that he would not be appearing.

45. At no time has Moore appeared at FINRA's Los Angeles office to provide the requested testimony.

46. As a result of Moore's failure to appear, Member Regulation was unable to obtain information necessary to complete its investigation into an alleged misappropriation by Moore.

FIRST CAUSE OF ACTION

OUTSIDE BUSINESS ACTIVITIES Violations of NASD Conduct Rules 3030 and 2110 and FINRA Conduct Rule 2010

47. The Department realleges and incorporates by reference paragraphs 1 through 46 above.

48. In his dealings with LB, RF and RF, and MM described above, Moore was employed by or accepted compensation from persons other than NYLife as a result of business activity performed outside of his relationship with NYLife.

49. Moore did not provide written or oral notice to NYLife of these activities, and did not seek or obtain permission from NYLife to participate in or be paid for such activities.

50. As a result of these activities, Moore was paid approximately \$49,000.

51. By virtue of this conduct, Moore violated NASD Rules 3030 and 2110 and FINRA Rule 2010.

SECOND CAUSE OF ACTION

FAILURE TO PROVIDE INFORMATION AND DOCUMENTS Violations of FINRA Rules 8210 and 2010

52. The Department realleges and incorporates by reference paragraphs 1 through 51 above.
53. Pursuant to FINRA Rule 8210, FINRA sent Moore requests for information and documents in the investigation related to RF and RF on multiple occasions.
54. Moore did not respond to the requests in a timely fashion and only responded two days before he was to be barred from the industry pursuant to the terms of Rule 9552.
55. By virtue of this conduct, Moore violated FINRA Rules 8210 and 2010.

THIRD CAUSE OF ACTION

FAILURE TO PROVIDE TESTIMONY Violations of FINRA Rules 8210 and 2010

56. The Department realleges and incorporates by reference paragraphs 1 through 55 above.
57. Pursuant to FINRA Rule 8210, FINRA sent Moore requests to appear to provide on-the-record testimony in the investigation related to MM on multiple occasions.
58. Moore failed to appear for the scheduled testimony and has never appeared to provide testimony in the investigation.
59. By virtue of this conduct, Moore violated FINRA Rules 8210 and 2010.

PRAYER FOR RELIEF

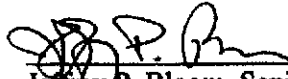
WHEREFORE, the Department respectfully requests that the Panel:

- A. order that one or more of the sanctions provided under FINRA Rule 8310(a), including monetary sanctions, be imposed.

B. order that the Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with FINRA Rule 8330.

DATED: December 1, 2010

Respectfully submitted,



Jeffrey P. Bloom, Senior Special Counsel
Samuel L. Israel, Associate Vice President and
Chief Counsel

Department of Enforcement
FINRA

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