

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

EVAN SETH ROSENFELD (CRD No.
2788398),

Respondent.

Disciplinary Proceeding
No. 2008015395601

Hearing Officer MAD

**AMENDED ORDER ACCEPTING OFFER
OF SETTLEMENT**

Date: February 16, 2011

INTRODUCTION

Disciplinary Proceeding No. 2008015395601 was filed on July 21, 2010, by the Department of Enforcement of the Financial Industry Regulatory Authority (FINRA) (Complainant). Respondent Evan Seth Rosenfeld submitted an Offer of Settlement (Offer) to Complainant dated January 19, 2011. Pursuant to 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. In connection with the Offer, the First and Second Causes of Action in the Complaint have been withdrawn with prejudice. 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 remaining allegations of the Complaint, and to the

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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

From March 17, 2006 through August 18, 2008, Respondent was registered with Whitaker Securities, LLC (BD# 121465), as a GSR. On or about August 19, 2008, Whitaker filed a Uniform Termination Notice for Securities Industry Registration (Form U5) with FINRA, notifying FINRA that the firm had terminated Respondent's association with Whitaker. Respondent is not currently registered through a member firm, but remains subject to FINRA's jurisdiction for purposes of this proceeding, pursuant to Article V, Section 4 of FINRA's By-Laws in that the complaint was filed within two years of the date of Respondent's termination of registration.

FINDINGS AND CONCLUSIONS

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

On or about August 27, 2009, FINRA staff sent a letter to Respondent pursuant to FINRA Rule 8210 requesting that he appear for an on the record interview (OTR) scheduled for October 14, 2009 concerning potential violations of FINRA rules by Respondent. On or about September 11, 2009, Respondent requested that FINRA postpone the OTR until November 11, 2009.

On or about September 21, 2009, FINRA staff sent a second letter to Respondent pursuant to FINRA Rule 8210 requesting that he appear for an OTR on November 11, 2009. On or about November 5, 2009, Respondent's counsel asked FINRA to postpone the OTR to discuss a resolution of the matter. After further conversations, Respondent's counsel agreed that Respondent would appear for his OTR on January 28, 2010. Accordingly, on or about December

17, 2009, FINRA staff sent a third letter to Respondent pursuant to FINRA Rule 8210 requesting that he appear for an OTR on January 28, 2010.

On or about January 12, 2010, Respondent informed FINRA staff that he was no longer represented by counsel and that he would not appear for his January 28, 2010 OTR.

On December 16, 2010, Respondent appeared for and testified at an OTR.

Based on the foregoing, Respondent violated FINRA Rules 8210 and 2010.

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

- A suspension from associating in any capacity with any FINRA member firm for a period of two years; and
- A \$10,000 fine.

The fine shall be due and payable either immediately upon reassociation with a member firm following the two year 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.

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

A handwritten signature in black ink, appearing to read 'S. Barkin', is written over a horizontal line.

Samuel Barkin
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