

FINANCIAL INDUSTRY REGULATORY AUTHORITY

OFFICE OF HEARING OFFICERS

Department of Enforcement,

Complainant,

v.

Brian Joseph Sekelsky,
(CRD No. 2869906),

Respondent.

Disciplinary Proceeding
No. 2009017623801

Hearing Officer Rochelle S. Hall

ORDER ACCEPTING OFFER OF SETTLEMENT

INTRODUCTION

Disciplinary Proceeding No. 2009017623801 was filed on June 9, 201 by the Department of Enforcement of the Financial Industry Regulatory Authority (FINRA) (Complainant). Respondent Sekelsky submitted an Offer of Settlement (Offer) to Complainant dated October 18, 2010. 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. 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

Sekelsky was registered with FINRA as a general securities representative. FINRA received a 3070 filing disclosure submitted by Sekelsky's FINRA member firm regarding two instances where Sekelsky allegedly failed to follow instructions in customer accounts, and began an investigation. Sekelsky initially failed to appear for testimony pursuant to FINRA Rule 8210; however, after the Complaint was filed, Sekelsky offered to appear for testimony and cooperated with FINRA's investigation.

FINDINGS AND CONCLUSIONS

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

RESPONDENT AND JURISDICTION

1. Sekelsky entered the securities industry in March 1997, when he was employed by a FINRA member firm. Sekelsky was first registered as a general securities representative with FINRA in August 1997. Sekelsky was subsequently registered with several FINRA member firms from October 1997 through December 2006. Sekelsky was registered as a general securities representative with FINRA member firm BB&T Investment Services, Inc. ("BB&T") in December 2006. Sekelsky remained with BB&T until May 2009.
2. Sekelsky is not currently associated with a FINRA member firm, but he remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws, in that the misconduct alleged in the First and Second Causes of Action occurred while Sekelsky was associated with a FINRA member firm, the misconduct alleged in the Third Cause of Action occurred within two years of the termination of Sekelsky's association with a FINRA member firm, and this Complaint has been filed within two years of his last association with a FINRA member firm.

FIRST CAUSE OF ACTION
NASD Conduct Rule 2110
(Failure to Timely Execute Customers' Instructions to Sell)

3. Customers S.R. and L.R. transferred their IRA accounts to BB&T on September 26, 2008. At the time of the transfer, the customers instructed their registered representative, Sekelsky, that the securities in their IRA accounts should be liquidated as soon as they were received and invested with one of BB&T's investment advisory affiliates.
4. The securities in both IRA accounts were received by BB&T on September 26, 2008. Sekelsky failed to timely execute the customers' instructions to sell and only did so on October 21, 2008, and did not contact the customers until after the assets had been sold.
5. Sekelsky's failure to timely execute the liquidation instructions he received from customers S.R. and L.R. resulted in these customers incurring a loss of \$23,747.64.
6. Such acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rule 2110 by Respondent Sekelsky.

SECOND CAUSE OF ACTION
NASD Conduct Rule 2110
(Unauthorized Transactions in Customer Account)

7. On November 6, 2008, Sekelsky purchased 1,000 shares of Caterpillar stock in S.R.'s IRA account, without S.R.'s prior knowledge, authorization or consent.
8. On November 7, 2008, Sekelsky sold the position, again without S.R.'s prior knowledge, authorization or consent.
9. Such acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rule 2110 by Respondent Sekelsky.

THIRD CAUSE OF ACTION
FINRA Rules 8210 and 2010
(Failure to Appear for Testimony)

10. On April 27, 2010, FINRA sent a letter to Sekelsky via first class and certified mail addressed to his residential CRD address [REDACTED] The letter

requested, pursuant to FINRA Procedural Rule 8210 that Sekelsky appear at the FINRA, Atlanta District Office on May 12, 2010 for an on-the-record ("OTR") sworn statement.

11. The April 27, 2010 letter sent by first class mail was not returned. The April 27, 2010 letter sent by certified mail was signed for by "Brian Sekelsky" on May 3, 2010.
12. Sekelsky called FINRA staff on May 3, 2010 and stated that he would not appear for the scheduled OTR.
13. On May 12, 2010, Sekelsky failed to appear for the OTR. Sekelsky's failure to appear for OTR impeded FINRA's investigation and prevented FINRA from completing its regulatory responsibility to fully investigate potential rule violations.
14. On June 9, 2010, FINRA filed a Complaint against Respondent Sekelsky. After he was served with the Complaint, Respondent Sekelsky contacted FINRA in August 2010 and agreed to appear for testimony and to fully cooperate with FINRA staff.
15. Such acts, practices and conduct constitute separate and distinct violations of FINRA Rules 8210 and 2010 by Respondent Sekelsky.

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.

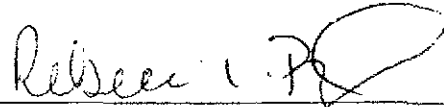
SANCTIONS

It is ordered that Respondent be suspended from association with any FINRA member firm in any capacity for a period of eight months. The sanctions imposed herein shall be effective on a date set by FINRA staff.

SO ORDERED.

Oct. 29, 2010
Date

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

A handwritten signature in dark ink, appearing to read "Rebecca L. Burnaugh", written over a horizontal line.

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