

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 2010022785001**

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

RE: Andre B. Perpetuo (a/k/a Andre Barbieri), Respondent  
Foreign Associate  
CRD No. 5512096

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Andre B. Perpetuo, submit 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**

On April 18, 2008, former FINRA member LatAm Investments, LLC filed a Form U4 for Perpetuo, commencing his association with the firm as of March 27, 2010. Between March 27, 2008 and March 5, 2010, Perpetuo was registered with FINRA as a Foreign Associate. Perpetuo has never held any securities licenses. On March 5, 2010, LatAm Investments filed a Form U5 for Perpetuo, terminating his association with the firm as of that date. Perpetuo currently is not associated with a FINRA member.

**RELEVANT DISCIPLINARY HISTORY**

Perpetuo does not have a disciplinary history with any securities regulators.

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### OVERVIEW

Perpetuo failed to respond to requests for documents from FINRA staff, in violation of FINRA Rules 8210 and 2010.

### FACTS AND VIOLATIVE CONDUCT

In February and March 2010, in connection with an investigation of, among other things, possible interpositioning and pursuant to FINRA Rule 8210, FINRA staff sent two separate requests for documents and information to Perpetuo. He responded to the requests. On April 7, 2010, in connection with the foregoing investigation and pursuant to FINRA Rule 8210, the staff sent a letter to Perpetuo wherein the staff requested that he provide it with additional information, including bank statements and canceled checks. He failed to provide them. Accordingly, on April 30, 2010, in connection with the foregoing investigation and pursuant to FINRA Rule 8210, the staff sent a second letter to Perpetuo wherein the staff requested that he provide it with the previously requested bank statements and canceled checks. Perpetuo failed to provide them. Accordingly, on June 9, 2010, in connection with the foregoing investigation and pursuant to FINRA Rule 8210, the staff sent a third letter to Perpetuo wherein the staff requested that he provide it with the previously requested bank statements and canceled checks. To date, Perpetuo has failed to provide those documents. As a result of the foregoing, Perpetuo violated FINRA Rules 8210 and 2010.

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

A bar from association with any FINRA member in all capacities.

I understand that if I am barred or suspended from associating with any FINRA member, I become subject to a statutory disqualification as that term is defined in Article III, Section 4 of FINRA's By-Laws, incorporating Section 3(a)(39) of the Securities Exchange Act of 1934. Accordingly, I may not be associated with any FINRA member in any capacity, including clerical or ministerial functions, during the period of the bar or suspension (see FINRA Rules 8310 and 8311).

The sanctions imposed herein shall be effective on a date set by FINRA staff. Pursuant to FINRA Rule 8313(e), a bar or expulsion shall become effective upon approval or acceptance of this AWC.

## 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 prejudgment 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

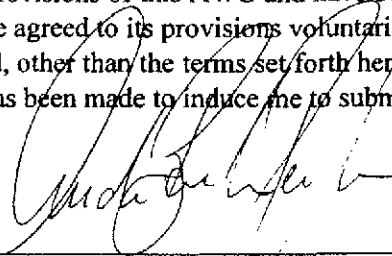
C. If accepted:

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 is without factual basis. I may not take any position in any proceeding brought by or on behalf of FINRA, or to which FINRA is a party, that is 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.

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.

09 01 2010

Date (mm/dd/yyyy)



Andre B. Perpetuo

Reviewed by:

Ronald D. Shindler

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Accepted by FINRA:

9/27/10  
Date

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

Michael A. Gross

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FINRA – Department of Enforcement  
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