

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 20110289642 01**

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

RE: Brian Simone, Respondent
General Securities Representative
CRD No. 5357610

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Respondent Brian Simone ("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 Respondent alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. Respondent hereby accepts and consents, 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

Respondent first became registered in the securities industry, on August 8, 2007, as a General Securities Representative ("GSR") through a registered firm where he remained until November 2008. He was associated with another registered firm for a short time before becoming associated with Salomon Whitney LLC (Salomon Whitney) in December 2008. He remained at Salomon Whitney until August 15, 2011.

Currently, Respondent is not registered or associated with any member firm. Respondent remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.

RELEVANT DISCIPLINARY HISTORY

Respondent has no relevant securities related disciplinary history.

OVERVIEW

Respondent failed to appear and testify at an on-the-record interview ("OTR") pursuant to FINRA Rule 8210.

FACTS AND VIOLATIVE CONDUCT

By letter dated August 18, 2011, FINRA Staff ("Staff"), pursuant to FINRA Rule 8210, requested that Respondent appear and testify at an OTR scheduled for August 24, 2011, in connection with a FINRA examination.

After Staff granted Respondent two adjournments, Respondent proposed the date of September 15, 2011, for an OTR.

On September 14, 2011, Staff emailed Respondent to confirm the September 15, 2011 OTR date. That same day, Respondent responded to Staff by email stating he would not be appearing for the OTR.

By letter dated September 16, 2011, Staff requested Respondent's appearance and testimony at an OTR on September 22, 2011, pursuant to FINRA Rule 8210.

By email dated September 16, 2011, Respondent advised Staff that he would not attend any OTR in connection with FINRA's examination.

To date, Respondent has failed to appear to testify at an OTR.

The aforementioned conduct by Respondent constitutes violations of FINRA Rules 8210 and 2010.

B. Respondent also consents to the imposition of the following sanction:

- A bar from associating with any FINRA member firm in any and all capacities.

The sanction 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.

Respondent understands that if he is barred or suspended from associating with any FINRA member, he becomes 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, Respondent 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).

II.

WAIVER OF PROCEDURAL RIGHTS

Respondent specifically and voluntarily waives the following rights granted under FINRA's Code of Procedure:

- A. To have a Complaint issued specifying the allegations against Respondent;
- 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, Respondent specifically and voluntarily waives 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.

Respondent further specifically and voluntarily waives 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

Respondent understands 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

- B. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against Respondent; and
- C. If accepted:
1. this AWC will become part of Respondent's permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against Respondent;
 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. Respondent 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. Respondent 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 Respondent's 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.

9/23/2011
Date (mm/dd/yyyy)

Brian Simone
Respondent, Brian Simone

Reviewed by:

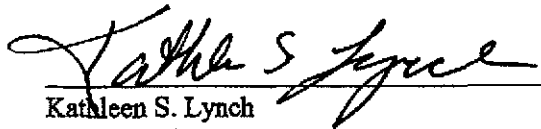
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Accepted by FINRA:

10/14/11
Date

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



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