

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

PETER RICHARD GARABEDIAN
(CRD No. 3226600),

Respondent.

Disciplinary Proceeding
No. 20110297970-01

Hearing Officer – SNB

NOTICE OF DEFAULT DECISION

The Hearing Officer's decision in this disciplinary proceeding dated February 15, 2013 ("Decision") is enclosed. This Decision will become the final decision of the Financial Industry Regulatory Authority (FINRA) unless either you or the Department of Enforcement appeals to the National Adjudicatory Council ("NAC"), or the NAC calls the Decision for review.

To appeal this Decision to the National Adjudicatory Council ("NAC"), you must file a written Notice of Appeal with the Office of Hearing Officers and serve the notice on each other party. Your rights of appeal are set forth in Rule 9311. You should read carefully the entire 9300 series of Rules in the Code of Procedure to fully understand and protect your rights.

Parties may choose to meet the filing deadline by sending a scanned PDF of the Notice of Appeal to **OHOCasFilings@finra.org**. The Office of Hearing Officers must receive any filing no later than 11:59 p.m. (Eastern Time) on the due date. The electronic filing system will generate automatically a confirmation receipt. The email used to submit the filing shall indicate in the subject line the matter name, the case number, and title of the filing.

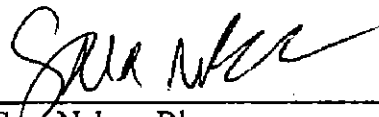
Regardless of whether the electronic filing system is used, all parties must send a signed original and one copy of all filings via first-class mail or overnight courier to the Office of Hearing Officers at the following address:

FINRA
Office of Hearing Officers
1735 K Street, NW
Washington, DC 20006-1500

The Notice of Appeal shall include the following information: (1) the name of the disciplinary proceeding; (2) the docket number of the disciplinary proceeding; (3) the name of the party filing the appeal; (4) a statement of whether oral argument before the NAC is requested; and (5) a brief statement identifying the findings, conclusions, or sanctions to which you are taking exception. The NAC, in its discretion, may deem waived any issue not raised in the Notice of Appeal or the Notice of Cross-Appeal.

Upon appeal or review, the NAC may affirm, dismiss, modify, or reverse any of the findings made by the Hearing Officer; and the NAC may affirm, modify, reverse, increase, or reduce the sanctions imposed by the Hearing Officer, or may impose any other fitting sanctions.

Questions concerning the appeal process should be directed to the General Counsel's Office, FINRA, (202) 728-8071.



Sara Nelson Bloom
Hearing Officer

Dated: February 15, 2013
Copies to: Peter Richard Garabedian (*via overnight courier and first-class mail*)
Vaishali S. Shetty, Esq. (*via electronic and first-class mail*)
David Jaffe, Esq. (*via electronic mail*)
Mark P. Dauer, Esq. (*via electronic mail*)
David R. Sonnenberg, Esq. (*via electronic mail*)

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

PETER RICHARD GARABEDIAN
(CRD No. 3226600),

Respondent.

Disciplinary Proceeding
No. 20110297970-01

Hearing Officer – SNB

DEFAULT DECISION

February 15, 2013

Respondent is barred from associating with any FINRA member firm in any capacity for willfully failing to disclose material information on Forms U4, in violation of NASD Rule 2110 and FINRA Rule 2010; and for failing to respond to requests for information and documents, in violation of FINRA Rules 8210 and 2010.

Appearances

Vaishali S. Shetty, Esq., for the Department of Enforcement.

No appearance by or for Peter Richard Garabedian.

DECISION

I. Introduction

The FINRA Department of Enforcement (“Enforcement”) filed the attached Complaint with the Office of Hearing Officers on May 11, 2012. The Complaint charges Respondent Peter Richard Garabedian (“Respondent”) with: (1) willfully failing to disclose material information on a Uniform Application for Securities Industry Registration or Transfer (“Form U4”), in violation of NASD Rule 2110 and FINRA Rule

2010; and (2) failing to provide information and documents requested by FINRA Staff (“Staff”), in violation of FINRA Rules 8210 and 2010.¹

II. Jurisdiction

Respondent first became registered with a FINRA member firm in 1999. He was registered as a General Securities Principal with numerous firms between 1999 and 2010. He was registered as a General Securities Representative with FINRA member firm PHD Capital between October 2010 and June 2011. He was then registered with another FINRA member firm between September and November 2011. After he was terminated from that firm, he was registered with another FINRA member firm between May 3 and May 22, 2012. He is not currently registered with a FINRA member firm. CX-1.

FINRA has jurisdiction over this disciplinary proceeding, pursuant to Article V, Section 4 of FINRA’s By-Laws, because (1) the Complaint was filed while Respondent was registered with FINRA, and (2) the Complaint charges him with misconduct that occurred while he was associated with a FINRA member firm, and with failing to respond to Enforcement’s requests for information made during the two-year period following the termination of his FINRA registration.²

III. Respondent’s Default

On May 11, 2012, Enforcement served the Complaint and First Notice of Complaint on Respondent at his most recent residential address recorded in the Central Registration Depository (“CRD”) and five alternate addresses Staff identified during the

¹ Following the consolidation of NASD and the member regulation, enforcement, and arbitration functions of NYSE Regulation into FINRA, FINRA began developing a new “Consolidated Rulebook” of FINRA rules. The first phase of the new consolidated rules became effective on December 15, 2008. *See* FINRA Regulatory Notice 08-57 (Oct. 2008). Because the Complaint in this case was filed after December 15, 2008, the procedural rules that apply are those that existed on December 15, 2008. The conduct rules that apply are those that existed at the time of the conduct at issue.

² *See* Article V, Sec. 4(a), FINRA By-Laws, *available at* www.finra.org/Rules (then follow “FINRA Manual” hyperlink to “Corporate Organization: By-Laws”).

investigation. Enforcement sent the Complaint and First Notice of Complaint by first-class and certified mail, return receipt requested.³ Respondent did not answer or otherwise respond to the Complaint by June 8, 2012, the deadline specified in the Notice of Complaint.⁴

On June 11, 2012, Enforcement served Respondent with a Second Notice of Complaint in the same manner to the same addresses.⁵ Respondent did not file an Answer or otherwise respond to the Complaint by June 28, 2012, the deadline specified in the Second Notice of Complaint.⁶

In August 2012, Enforcement became aware that Respondent had updated his address in CRD at or around the same time as the filing of the Complaint in May 2012. Accordingly, on August 15, 2012, Enforcement served the Complaint and Third Notice of Complaint on Respondent at the new CRD address as well as the other addresses, in the same manner.⁷

Respondent did not file an Answer or otherwise respond to the Complaint by September 12, 2012, the deadline specified in the Third Notice of Complaint.⁸

On September 14, 2012, Enforcement served the Complaint and Fourth Notice of Complaint on Respondent at the same addresses and in the same manner as the service of the Complaint and Third Notice of Complaint.⁹

On September 19, 2012, Enforcement received a voicemail message from Respondent that he had received the Complaint. When Enforcement called Respondent

³ Declaration of Vaishali Shetty, Esq. ("Decl.") ¶ 12.

⁴ *Id.* ¶ 19.

⁵ *Id.* ¶ 20.

⁶ *Id.* ¶ 27.

⁷ *Id.* ¶ 28.

⁸ *Id.* ¶ 36.

⁹ *Id.* ¶ 37.

on September 24, 2012, he indicated that he was in the process of retaining counsel.¹⁰ However, Respondent did not file an Answer or otherwise respond to the Complaint by October 1, 2012, the deadline specified in the Fourth Notice of Complaint.¹¹

Respondent has not answered the Complaint, despite the fact that he was properly served with the Complaint pursuant to FINRA Rule 9134. In addition, Respondent received actual notice of the Complaint. Accordingly, on November 8, 2012, the Hearing Officer issued an order setting a deadline for Enforcement to file a motion for entry of a default decision because the Office of Hearing Officers had not received Respondent's Answer.

On December 3, 2012, Enforcement filed a Motion for Entry of Default Decision and Request for Sanctions. Enforcement's motion is supported by the declaration of Vaishali Shetty, Esq. and 68 attached exhibits.¹² Respondent did not respond to the motion.

Based on Respondent's default, the Hearing Officer granted Enforcement's motion and deemed the allegations in the attached Complaint admitted pursuant to Rules 9215(f) and 9269(a).

IV. Violations

A. Failure to Disclose Material Information on Form U4

Article V, Section 2 of FINRA's By-Laws requires that persons who apply for registration with FINRA must provide "such ... reasonable information with respect to the applicant as [FINRA] may require." Applicants must complete a Form U4 disclosing, among other things, information concerning whether the applicants have been charged

¹⁰ *Id.* ¶ 45.

¹¹ *Id.* ¶ 46.

¹² Enforcement's exhibits are labeled CX-1 through CX-68.

with any felonies or with certain misdemeanors. FINRA uses Form U4 “to monitor and determine the fitness of securities professionals.”¹³ Submitting a Form U4 that is inaccurate or incomplete so as to be misleading, or failing to amend a Form U4 when necessary to make the Form U4 accurate, may be deemed conduct inconsistent with just and equitable principles of trade.¹⁴

The first cause of action charges that Respondent failed to disclose material information on his Form U4 regarding two misdemeanor shoplifting charges and two guilty pleas to these charges. Specifically, on November 27, 2007, Respondent was arrested and charged with a misdemeanor for shoplifting.¹⁵ On March 5, 2008, he pled guilty to the charge and was fined \$2,000.¹⁶ On December 5, 2008, Respondent was arrested and charged with a second shoplifting misdemeanor. On March 12, 2010, he pled guilty to the charge and was fined \$100.¹⁷

Question 14B(1)(a) of the Form U4 asks applicants if they have ever *pled guilty* to misdemeanors involving, among other things, the “wrongful taking of property.”¹⁸

Question 14B(1)(b) of the Form U4 asks applicants if they have ever been *charged* with a misdemeanor specified in Question 14B(1)(a). (italics added).

Nonetheless Respondent failed to disclose this disciplinary history on Forms U4 as follows:

1. On a Form U4 dated November 30, 2007, he failed to disclose the first misdemeanor theft charge.

¹³ *Dep’t of Enforcement v. Kaweske*, No. C07040042, 2007 NASD Discip. LEXIS 5, at *33 (NAC Feb. 12, 2007) (citing *Rosario R. Ruggiero*, 52 S.E.C. 725, 728 (1996)).

¹⁴ See *Scott Mathis*, Exchange Act Rel. No. 61120, 2009 SEC LEXIS 4376, at *16 (Dec. 7, 2009), *aff’d sub nom.*, *Mathis v. SEC*, 671 F.3d 210 (2d Cir. 2012).

¹⁵ Respondent was not registered with a member firm when he was charged with this misdemeanor. CX-1.

¹⁶ At this time, Respondent was registered at a FINRA member firm. CX-1.

¹⁷ CX-56.

¹⁸ Decl. ¶ 50; CX-57.

2. On a Form U4 dated February 28, 2008, he again failed to disclose the first misdemeanor theft charge.
3. On a Form U4 dated March 12, 2009, he failed to disclose the first misdemeanor theft charge and subsequent guilty plea, and failed to disclose the second misdemeanor theft charge.
4. On a Form U4 dated March 23, 2010, he failed to disclose the first misdemeanor theft charge and conviction, and the second misdemeanor theft charge and conviction.¹⁹

Finally, on November 17, 2010, an amended Form U4 was filed for Respondent disclosing that he had been charged with the two misdemeanors. On November 22, 2010, another amended Form U4 was filed for Respondent disclosing that he had pled guilty for the two misdemeanors.

The information regarding Respondent's criminal history was material.²⁰ By submitting multiple, materially false, Forms U4 and failing to disclose his criminal history on a Form U4 until November 2010, Respondent violated NASD Rule 2110 and FINRA Rule 2010.

The Complaint charges that Respondent's violations were willful. The definition of willfulness is broad. Under the securities laws, willfulness means that Respondent voluntarily committed the act that constituted the violation, and does not require proof of intent to violate the laws or rules.²¹ Here, Respondent repeatedly provided materially

¹⁹ Complaint ¶ 11, Decl. ¶¶ 51-54; CX-58 – CX-61.

²⁰ *Dep't of Enforcement v. Kraemer*, No. 2006006192901, 2009 FINRA Discip. LEXIS 39, at *15 (NAC Dec. 18, 2009).

²¹ *Dep't of Enforcement v. Zayed*, No. 2006003834901, 2010 FINRA Discip. LEXIS 13, at *13, n.11 (NAC Aug. 19, 2010) (finding that failure to update a Form U4 to disclose litigation of which respondent was aware was willful).

inaccurate information on his Forms U4 by omitting his criminal history. Respondent's misconduct spanned three years and five different firms.²² Accordingly, the Hearing Officer concludes that Respondent's violations were willful.

B. Failure to Provide Information and Documents

The second cause of action alleges that Respondent failed to respond to requests for information and documents sent to him by FINRA Staff ("Staff"), pursuant to FINRA Rule 8210 in connection with FINRA's investigation of Respondent's criminal history.

Specifically, on December 6, 2011, Staff sent the first request to Respondent at his CRD address and five alternate addresses. The request was sent by first-class and certified mail, return receipt requested. Respondent did not respond to the first request.²³

On December 15, 2011, Staff sent a second request for information and documents to Respondent to the same addresses in the same manner. Respondent did not respond to the second request for information.²⁴

The facts alleged in the second cause of action are sufficient to establish that Respondent violated FINRA Rules 8210 and 2010 by failing to respond to the Staff's requests for information.

V. Sanctions

A. Failure to Disclose Material Information on Form U4

The FINRA Sanction Guidelines ("Sanction Guidelines") for filing a false, misleading, or inaccurate Form U4 recommend a fine of between \$2,500 to \$50,000 and

²² Section 3(a)(39)(F) of the Securities Exchange Act of 1934 ("Exchange Act") states that a person who files an application for association with a member of a self-regulatory organization, and who willfully omits any material fact in that application, is statutorily disqualified from participating in the securities industry. See 15 U.S.C. § 78c(39)(F); see also FINRA By-Laws Art. III, Sec. 4. Accordingly, Respondent is statutorily disqualified.

²³ Decl. ¶ 59.

²⁴ Decl. ¶ 63.

a suspension of five to 30 business days.²⁵ In egregious cases, such as those involving a false, inaccurate, or misleading filing, the Sanction Guidelines recommend consideration of a longer suspension of up to two years, or a bar.²⁶

Respondent's violation was egregious because it involved the willful filing of multiple false forms. In addition, two principal considerations are particularly relevant here as aggravating factors: the nature and significance of the information, and whether the information resulted in a statutorily disqualified person remaining associated with a firm. Here, the nature of the information - a criminal history involving theft - would be very important for FINRA, Respondent's firm, and Respondent's customers. In addition, following Respondent's guilty plea for the first shoplifting charge in March 2008, he was statutorily disqualified.²⁷

Respondent's violation was egregious. A bar is the appropriate sanction.

B. Failure to Respond to Requests for Information

For failing to respond to FINRA Rule 8210 requests for information, the Sanction Guidelines provide that a bar should be "standard" when there is a complete failure to respond.²⁸ The Sanction Guidelines direct adjudicators to consider the "[i]mportance of the information requested as viewed from FINRA's perspective" in assessing appropriate sanctions.²⁹ As noted above, the information requested was important.

The Hearing Officer finds that a bar from associating with any FINRA member firm in any capacity is the appropriately remedial sanction for this misconduct. There are no mitigating factors in the record that would warrant a lesser sanction. Accordingly, the

²⁵ FINRA Sanction Guidelines 69 (2011), www.finra.org/sanctionguidelines.

²⁶ *Id.* at 70.

²⁷ See Exchange Act Sections 3(a)(39)(F) and 15(b)(4)(B)(iii), 15 U.S.C. § 78c(39)(F), and 15 U.S.C. § 78o(4)(B)(iii).

²⁸ Sanction Guidelines 33.

²⁹ *Id.*

Hearing Officer bars Respondent from associating with any FINRA member firm in any capacity for this violation as well.

VI. Order

Peter Richard Garabedian is barred from associating with any FINRA member firm in any capacity for willfully failing to disclose material information on his Form U4, in violation of NASD Rule 2110 and FINRA Rule 2010, as alleged in the first cause of action. He is also barred for failing to respond to requests for information and documents, in violation of FINRA Rules 8210 and 2010, as alleged in the second cause of action. In addition, because Respondent's violation was willful, the Hearing Officer finds that he is subject to a statutory disqualification. The bars shall become effective immediately if this Default Decision becomes FINRA's final disciplinary action.


Sara Nelson Bloom
Hearing Officer

Copies to: Peter Richard Garabedian (*via overnight courier and first-class mail*)
Vaishali S. Shetty, Esq. (*via electronic and first-class mail*)
David Jaffe, Esq. (*via electronic mail*)
Mark P. Dauer, Esq. (*via electronic mail*)
David R. Sonnenberg, Esq. (*via electronic mail*)

EXHIBIT A

FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,

COMPLAINANT,

v.

PETER RICHARD GARABEDIAN
(CRD No. 3226600),

RESPONDENT.

DISCIPLINARY PROCEEDING
No. 20110297970-01

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. In connection with two separate instances, occurring on November 27, 2007 and December 5, 2008, Peter Richard Garabedian ("Garabedian") was charged and pled guilty to shoplifting, a petit larceny misdemeanor. Garabedian failed to disclose the material fact of the two misdemeanor charges and convictions on his Uniform Application for Securities Industry Registration or Transfer Form (Form U4) until November 17, 2010. By reason of the foregoing, Garabedian acted in contravention of Article V, Section 2 of FINRA's By-Laws and violated NASD Conduct Rule 2110 and FINRA Rule 2010.
2. Garabedian failed to respond to two requests for information, regarding the untimely Form U4 disclosures, mailed to him by FINRA staff on December 6, 2011 and

December 15, 2011. The requests were sent pursuant to FINRA Rule 8210. By reason of the foregoing, Garabedian violated FINRA Rules 8210 and 2010.

RESPONDENT AND JURISDICTION

3. Garabedian first became registered as a General Securities Representative ("GSR") on or about June 9, 1999 while employed by a FINRA member firm. From October 25, 2010 through June 15, 2011, he was registered as a GSR through member firm PHD Capital. After leaving PHD Capital, Garabedian was registered with another FINRA member firm from September 29, 2011 through November 4, 2011, as a GSR. Garabedian is currently not registered with any member firm.
4. Although Garabedian is no longer registered or associated with a FINRA member, 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 effective date of termination of Garabedian's registration with his last firm, namely, November 7, 2011; and (2) the Complaint charges him with misconduct committed while he was registered or associated with a FINRA member and with failing to respond to FINRA requests for information during the two-year period after the date upon which he ceased to be registered or associated with a FINRA member.

FIRST CAUSE OF ACTION

Willful Failure to Disclose Material Facts on a Form U4 (NASD Conduct Rule 2110 and FINRA Rule 2010)

5. The Department re-alleges and incorporates by reference paragraphs 1 through 4 above.

6. Pursuant to Article V, Section 2(c) of FINRA's By-Laws, the information provided on a Form U4 must be kept current by means of amendments made no later than 30 days after a registered representative learns of "the facts or circumstances giving rise to the amendment."
7. On November 27, 2007, Garabedian was arrested and charged with the misdemeanor offense of petit larceny for shoplifting items at a CVS drugstore in Suffolk County, New York. On or about March 5, 2008, Garabedian pled guilty to the petit larceny and was fined \$200.
8. On December 5, 2008, Garabedian was arrested and charged with a second misdemeanor offense of petit larceny for shoplifting a bag of food from King Kullen grocery store in Suffolk County, New York. On or about March 12, 2010, Garabedian pled guilty to the petit larceny and was fined \$100.
9. On or about November 30, 2007, Garabedian applied for registration with FINRA through member firm A&F Financial and, in connection with such application, he completed a Form U4.
10. On the Form U4, Garabedian answered "no" to questions 14B(1)(a) and 14B(1)(b) which asked whether he had ever been charged with, or pled guilty to misdemeanors involving the wrongful taking of property.
11. Between February 28, 2008 and October 29, 2010, Garabedian worked at four other FINRA member firms. During that period, he submitted four initial Forms U4, dated February 28, 2008; March 12, 2009; March 23, 2010; and, October 29, 2010, and three amended Forms U4, dated March 4, 2008; March 24, 2010; and, March 29,

2010, through those member firms. In all of these instances, Garabedian failed to disclose that he had been charged or pled guilty to either of the two misdemeanors.

12. In connection with the November 27, 2007 shoplifting incident at CVS drugstore, Garabedian was required by Article V, Section 2 of the FINRA By-Laws to amend his Form U4, on or before December 27, 2007, to provide an affirmative answer to Question 14B(1)(b) and to disclose the misdemeanor petit larceny charge. Similarly, he was required to amend his Form U4, on or before April 4, 2008 to provide an affirmative answer to Question 14B(1)(a) and to disclose his guilty plea to the November 27, 2007 misdemeanor petit larceny.
13. In connection with the December 5, 2008 shoplifting incident at King Kullen grocery store, Garabedian was required by Article V, Section 2 of the FINRA By-Laws to amend his Form U4, on or before January 4, 2009, to provide an affirmative answer to Question 14B(1)(b) and to disclose the misdemeanor petit larceny charge. Similarly, he was required to amend his Form U4, on or before April 11, 2010 to provide an affirmative answer to Question 14B(1)(a) and to disclose his guilty plea to the December 5, 2008 misdemeanor petit larceny.
14. On November 17, 2010, an amended Form U4 was filed for Garabedian disclosing that he had been charged with the two misdemeanors. On November 22, 2010, another amended Form U4 was filed for Garabedian disclosing that he had pled guilty to the two misdemeanors.
15. Both misdemeanor charges and guilty pleas are material facts. Garabedian's failures to disclose both on his Form U4 were willful.

By reason of the foregoing, Garabedian acted in contravention of Article V, Section 2 of FINRA's By-Laws and violated NASD Conduct Rule 2110 and FINRA Rule 2010.

SECOND CAUSE OF ACTION
Failure to Respond to Requests for Information
(FINRA Rules 8210 and 2010)

16. The Department re-alleges and incorporates by reference paragraphs 1 through 15 above.
17. By letter, dated December 6, 2011, FINRA staff requested, pursuant to FINRA Rule 8210, that Garabedian provide the staff with a written response and documents related to allegations that he had failed to timely disclose misdemeanor charges on a Form U4. The due date for the required information was December 13, 2011.
18. FINRA staff mailed the December 6, 2011 letter to Garabedian by regular first-class mail and by certified mail, return receipt requested, at his last known Central Registration Depository (CRD) residential address. In addition, the staff also mailed the letter, via regular first-class mail and certified mail, return receipt requested, to five additional addresses that they had procured through a search for a more current address for Garabedian.
19. The regular first-class mailings of the December 6, 2011 letter to Garabedian at all six addresses were returned to FINRA's District 10 Long Island office, marked "return to sender" and/or "unclaimed," "unable to forward," "vacant," "no mail receptacle," "not deliverable as addressed." The certified mailings of the letter were similarly returned to FINRA's District 10 Long Island office, marked "return to sender," and/or "unclaimed," "no mail receptacle," "unable to forward."

20. Garabedian did not respond to the December 6, 2011 letter by the due date.
21. FINRA staff mailed a second request letter, dated December 15, 2011, to Garabedian, enclosing the earlier request and similarly seeking a written response and documents from Garabedian regarding the misdemeanors. The December 15, 2011 letter was mailed to Garabedian at the same six addresses, including Garabedian's CRD address, to which the December 6, 2011 letter had been addressed. The due date for the requested information was December 23, 2011.
22. The regular first-class mailings of the December 15, 2011 letter to Garabedian at all six addresses were returned to FINRA's District 10 Long Island office, marked "return to sender" and/or "unclaimed," "unable to forward," "attempted -- not known," "no mail receptacle," "not deliverable as addressed." The certified mailings of the letter were similarly returned to FINRA's District 10 Long Island office, marked "return to sender," and/or "unclaimed," "no mail receptacle," "not deliverable as addressed," "unable to forward."
23. Garabedian did not respond to the December 15, 2011 letter by the due date.

By reason of the foregoing, Garabedian violated FINRA Rules 8210 and 2010.

RELIEF REQUESTED

WHEREFORE, the Department respectfully requests that the Panel:

- A. make findings of fact and conclusions of law that Respondent(s) committed the violations charged and alleged herein;
- B. order that one or more of the sanctions provided under FINRA Rule 8310(a), including monetary sanctions, be imposed;

- C. order that Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with FINRA Rule 8330;
- D. make specific findings that Respondent's conduct, as alleged in the First Cause of Action, was willful; the omitted information was material; and, the omission to state material facts was on a Form U4 application;

FINRA DEPARTMENT OF ENFORCEMENT

Date: May 11, 2012



Vaishali S. Shetty, Senior Regional Counsel
David Jaffe, Regional Chief Counsel
FINRA Department of Enforcement
Two Jericho Plaza, 2nd Floor
Jericho, New York 11753
(516) 949-4237; Fax No. (516) 949-4201
vaishali.shetty@finra.org