

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT**

NO. 20110306199-01

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

RE: Oilda C. Hernandez, Respondent
CRD No. 1076766

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Oilda C. Hernandez ("Hernandez", "Respondent" or "I") 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 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

Hernandez first became registered with FINRA as a Financial and Operations Principal on January 1, 1989 at Culver & Dunn Securities Corporation. During her career in the securities industry, she has been associated with nine FINRA member firms, including her most recent employer MML Investors Services, which she was associated with from December 2013 to March 3, 2014, before being discharged involuntarily for not meeting performance expectations. Hernandez was registered with Activa Capital Markets, Inc. ("Activa") during the relevant time period for the conduct at issue.

DISCIPLINARY HISTORY

On June 11, 2002, FINRA accepted an AWC in which Hernandez was suspended for five days as a general securities principal and jointly and severally fined \$15,000 with her employer firm, for permitting a representative to act in a registered capacity while his registration was inactive and for failing to maintain written supervisory procedures reasonably designed to achieve compliance with applicable securities laws, regulations, and NASD Rules for monitoring compliance with the requirements of continuing education.

FACTS AND VIOLATIVE CONDUCT

On April 23, 2013, February 27, 2014, and March 11, 2014, the Fixed Income staff of FINRA's Department of Market Regulation (the "staff") sent a letter pursuant to FINRA Rule 8210 to Hernandez, requesting that Hernandez appear for investigative on-the-record testimony. The staff requested Hernandez's appearance in order to obtain information concerning an investigation arising out of a Corporate Wash Sale sweep involving transactions in non-US corporate bonds executed by Activa during the second quarter of 2011. After a number of communications with the staff in response to letters cited above, in an email dated April 8, 2014, Hernandez informed the staff that she would not appear for testimony. Such acts, practices and course of conduct constitute a violation of FINRA Rules 2010 and 8210.

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

A bar from association with any FINRA member in any capacity.

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, as amended. 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 Chief Legal Officer, 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: (i) testimonial obligations; or (ii) 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.

5/20/14
Date

Respondent
Oilda C. Hernandez

By: Oilda C. Hernandez

Reviewed by:

Counsel for Respondent

Accepted by FINRA:

5/21/14
Date

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

Tina Salehi Gubb
Tina Salehi Gubb
Chief Counsel
Department of Market Regulation