

FINANCIAL INDUSTRY REGULATORY AUTHORITY

OFFICE OF HEARING OFFICERS

Department of Enforcement,

Complainant,

v.

Michael John Dell'Olio (CRD No. 2403455),

Respondent.

DISCIPLINARY PROCEEDING
No. 2012034939302

HEARING OFFICER:

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. In connection with an investigation concerning possible violations of the federal securities laws and/or FINRA rules, FINRA requested that Respondent Michael John Dell'Olio ("Dell'Olio" or the "Respondent") appear for on-the-record testimony. Dell'Olio has failed to respond to the Staff's request and has failed to appear for on-the-record testimony, as requested pursuant to FINRA Rule 8210. As a result, Dell'Olio violated FINRA Rules 8210 and 2010.

RESPONDENT AND JURISDICTION

2. Dell'Olio entered the securities industry in September 1993, when Metropolitan Life Insurance Company filed a Uniform Application for Securities Industry Registration and Transfer ("Form U4") on his behalf and became registered with FINRA in January 1995 as a general securities representative. In November 2003, FINRA member North Atlantic Securities, LLC ("North Atlantic" or "the Firm") filed a Form U4 for Dell'Olio and registered him as a

general securities representative. Dell'Olio remained registered at North Atlantic through December 26, 2012, when the Firm's membership with FINRA was canceled for failure to pay fees.

2. Dell'Olio is not currently registered or associated with a FINRA member. Although Respondent 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 Respondent's registration with North Atlantic, namely, December 26, 2012, and (2) the Complaint charges him with failing to respond to FINRA requests to appear for on-the-record testimony during the two-year period after the date upon which he ceased to be registered or associated with a FINRA member.

**CAUSE OF ACTION
FINRA Rules 8210 and 2010
(Failure to Respond)**

3. The Department realleges and incorporates by reference paragraphs 1 and 2 above.

4. In June 2011, the Office of Securities for the State of Maine Department of Professional and Financial Regulation ("Maine Office of Securities") began an investigation into potential violations of securities laws and regulations by Dell'Olio. The investigation proceeded to a hearing in October 2011. In February 2012, Dell'Olio's license in the State of Maine was revoked by the Maine Office of Securities after a finding that he had committed dishonest and unethical practices, including borrowing from a client, making false statements, and forgery of documents. North Atlantic filed a related Uniform Disciplinary Action Reporting Form ("Form U6") in February 2012.

5. Upon learning of the Maine Office of Securities proceedings, FINRA commenced an investigation into whether Dell'Olio, while registered or associated with a FINRA member, had engaged in any violations of the federal securities laws and/or FINRA rules, including whether he had borrowed from a client, made false statements, and forged documents and whether he had committed dishonest and unethical practices by doing so.

6. During the course of this investigation, FINRA made numerous requests seeking on-the-record testimony from Dell'Olio. These requests were made pursuant to FINRA Rule 8210, and Dell'Olio was advised that failure to respond could result in disciplinary action against him. However, in spite of the numerous requests and admonitions, Dell'Olio completely failed to respond to any of the Staff's requests and failed to testify as requested.

The September 24, 2014 Letter

7. On September 24, 2014, FINRA sent Dell'Olio a letter, via first class and certified mail (Certified Mail # 7011 3500 0000 7016 1053), addressed to his residential address as listed in the Central Registration Depository ("CRD"), which was located in Cedar Park, Texas ("CRD Address"). On that same date, FINRA sent the same letter, also via first class and certified mail (Certified Mail # 7011 3500 0000 7016 1060), to an alternative address at, Scarborough, Maine ("First Scarborough Address"). Similarly, on that same date, FINRA sent the same letter, also via first class and certified mail (Certified Mail # 7011 3500 0000 7016 1077), to a second alternative address in Scarborough, Maine ("Second Scarborough Address"). FINRA obtained the First Scarborough Address and the Second Scarborough Address from an online LexisNexis search. A copy of the letter was also sent to Dell'Olio at an email account from which he had previously corresponded with Staff.

8. The September 24, 2014 letter requested, pursuant to FINRA Rule 8210, that Dell'Olio "appear for an on-the-record interview . . . scheduled for October 10, 2014, at 9:00 a.m. CST." The letter also requested that Dell'Olio "contact [Staff] no later than October 1, 2014, to confirm [his] appearance."

9. The September 24, 2014 first class letter to the CRD Address was returned on October 6, 2014 marked "Return to sender – attempted – not known – unable to forward." The September 24, 2014 certified letter to the CRD Address was also returned on October 6, 2014 and was marked "Return to sender – not deliverable as addressed – unable to forward." The September 24, 2014 first class letter to the First Scarborough Address was not returned. The September 24, 2014 certified letter to the First Scarborough Address was returned on October 28, 2014 and was marked "Return to sender – unclaimed – unable to forward." The United States Postal Service noted on the letter that notice was left at the residence on September 27, 2014, October 2, 2014, and October 12, 2014. The September 24, 2014 first class letter to the Second Scarborough Address was returned on October 28, 2014 and was marked "Return to sender – not deliverable as addressed – unable to forward." The September 24, 2014 certified letter to the Second Scarborough Address was returned on October 27, 2014 and was marked "Return to sender – unable to forward." Dell'Olio did not respond to the email sent to him by Staff.

10. Dell'Olio failed to respond to the September 24, 2014 letter by the requested date of October 1, 2014, and has not responded since. Further, Dell'Olio failed to appear on October 10, 2014, and testify as requested.

The October 10, 2014 Letter

11. On October 10, 2014, FINRA sent Dell'Olio a letter, via first class and certified mail (Certified Mail # 7011 3500 0000 7016 1268), to the CRD Address. On that same date,

FINRA sent the same letter, also via first class and certified mail (Certified Mail # 7011 3500 0000 7016 1275), to the First Scarborough Address. Similarly, on that same date, FINRA sent the same letter, also via first class and certified mail (Certified Mail # 7011 3500 0000 7016 1282), to the Second Scarborough Address. A copy of the letter was also sent to Dell'Olio at an email account from which he had previously corresponded with Staff.

12. The October 10, 2014 letter requested, pursuant to FINRA Rule 8210, that Dell'Olio "appear for an on-the-record interview . . . scheduled for October 27, 2014, at 9:00 a.m. CST." The letter also requested that Dell'Olio "contact [Staff] no later than October 20, 2014, to confirm [his] appearance."

13. The October 10, 2014 first class letter to the CRD Address was not returned. The October 10, 2014 certified letter to the CRD Address was returned on October 22, 2014 and was marked "Not deliverable as addressed – unable to forward." The October 10, 2014 first class letter to the First Scarborough Address was not returned. The October 10, 2014 certified letter to the First Scarborough Address was returned on November 10, 2014. The United States Postal Service noted on the letter that notice was left at the residence on October 15, 2014, October 20, 2014, and October 30, 2014. The October 10, 2014 first class letter to the Second Scarborough Address was returned on October 24, 2014 and was marked "Return to sender – not deliverable as addressed – unable to forward." The October 10, 2014 certified letter to the Second Scarborough Address was returned on October 30, 2014 and was marked "Return to sender – unable to forward." Dell'Olio did not respond to the email sent to him by Staff.

14. Dell'Olio failed to respond to the October 10, 2014 letter by the requested date of October 20, 2014, and has not responded since. Further, Dell'Olio failed to appear on October 27, 2014, and testify as requested.

15. To date, Dell'Olio has not contacted FINRA to explain his failure to appear for an on-the-record interview and provide testimony.

16. FINRA Rule 8210(a)(1) authorizes FINRA, in the course of an investigation, to require persons associated with a FINRA member to “provide information orally [or] in writing . . . with respect to any matter involved in the investigation” FINRA Rule 8210(c) requires those persons to provide information when requested by FINRA. FINRA Rule 8210(d) provides that notice under the Rule is deemed received by mailing or otherwise transmitting such notice to a person’s last known residential address reflected in the CRD and any other more current address known by FINRA. A person subject to the requirement to provide information pursuant to FINRA Rule 8210, also violates FINRA Rule 2010 if that person does not provide the information requested.

17. The testimony of Dell'Olio requested by FINRA was material to FINRA’s investigation of potential rule violations and was necessary for FINRA to complete its regulatory mandate to fully investigate potential rule violations.

18. Dell'Olio’s failure to appear and testify as requested impeded FINRA’s investigation, and prevented FINRA from completing its regulatory responsibilities to fully investigate potential rule violations.

19. Dell'Olio’s failures to respond to the September 24, 2014 and October 10, 2014 requests to appear for testimony constitute separate and distinct violations of FINRA Rules 8210 and 2010 by Dell'Olio.

RELIEF REQUESTED

WHEREFORE, the Department respectfully requests that the Panel:

- A. make findings of fact and conclusions of law that Respondent 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; and
- C. order that Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with FINRA Rule 8330.

FINRA DEPARTMENT OF ENFORCEMENT

Date: December 16, 2014



Albert A. Starkus III
Principal Regional Counsel
Penelope Brobst Blackwell
Deputy Regional Chief Counsel
FINRA – Department of Enforcement
12801 North Central Expressway, Suite 1050
Dallas, Texas 75243
Phone: (972)716-7663; Fax: (972) 716-7612
E-Mail: albert.starkus@finra.org
E-Mail penny.blackwell@finra.org

David B. Klafter
Regional Chief Counsel
FINRA — Enforcement Department
5200 Town Center Circle, Suite 200
Boca Center Tower 1, Boca Raton, FL 33486
Phone: (561) 443-8110; Fax: (561) 443-7998
E-Mail: david.klafter@finra.org

Authorized House Counsel
Admitted in NY and NJ Only