

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 20130363677**

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

RE: Bruce Francis Supanik, Respondent  
Registered Representative  
CRD No. 2558519

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I 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**

Bruce Francis Supanik ("Supanik") was Series 7, 63 and 65 registered with FINRA registered firms from September 1994 to March 2005. In March 2005, Supanik became associated with The O.N. Equity Sales Company (the "Firm") where he remained until his association was terminated on March 21, 2013. Supanik is not currently employed with any FINRA registered firm. Although Supanik is not currently registered with a FINRA registered firm, he remains subject to FINRA's jurisdiction since this action falls within two years of Supanik's registration with the Firm, making Supanik subject to FINRA's jurisdiction pursuant to Article V Section 4 of the FINRA by-laws.

**RELEVANT DISCIPLINARY HISTORY**

Supanik has no disciplinary history.

## **OVERVIEW**

On September 17, 2013, FINRA issued a letter to Supanik, sent first class mail, return receipt requested, seeking documents and information relating to the events surrounding the termination of Supanik's employment. FINRA requested Supanik's response on October 1, 2013. Thereafter, Supanik requested an extension of time to respond until November 1, 2013 which request was granted. Supanik failed to provide the requested documents on November 1, 2013.

On September 17, 2013, a second letter was issued to Supanik pursuant to Rule 8210, requesting that Supanik provide on-the-record testimony before FINRA on November 1, 2013. The second request was sent via certified mail, return receipt requested and first class mail. Thereafter, Supanik requested that his on-the-record interview be postponed until November 18, 2013, which request was granted. Supanik failed to appear and give testimony on November 18, 2013 as requested. Based on the foregoing, Supanik violated FINRA Rules 8210 and 2010 in that he failed to comply with Enforcement's requests for documentation and information and testimony.

## **FACTS AND VIOLATIVE CONDUCT**

Supanik's former employer, The O.N. Equity Sales Company, filed a Form U-5 on March 21, 2013 reporting that Supanik's employment had been terminated after he placed liquidating transactions in a customer's account on January 28, 2013 after the customer's death on January 26, 2013. Supanik failed to give notice of her death to the Firm.

On September 17, 2013, FINRA issued a letter ("First Request") to Supanik seeking documents and information relating to the events surrounding the termination of Supanik's employment by the Firm. FINRA was investigating allegations that on February 4, 2013, Supanik transferred the balance of the customer's account at the Firm totaling \$506,450.32, to the joint checking account he shared with the customer. Supanik then withdrew the balance from the joint checking account and deposited it into his personal bank account.

The First Request was sent pursuant to, and in accordance with, FINRA Rule 8210. A response from Supanik was required by no later than October 1, 2013. The First Request was sent via certified mail, return receipt requested, and First Class mail to Supanik care of his attorney as his attorney had directed. The Staff received a signed, return receipt card for the certified mailing. The letter sent by first class mail was not returned by the U.S. Postal Service.

On September 17, 2013, FINRA issued a second letter ("Second Request") to Supanik requesting that he appear at 10:00 am at One World Financial Center on November 1, 2013 to provide on the record testimony.

The Second Request was sent pursuant to, and in accordance with, FINRA Rule 8210. The Second Request was sent via certified mail, return receipt requested, and First Class mail to Supanik in care of his attorney as his attorney had directed. The letter sent by first class mail was not returned. A return receipt card for the certified mailing was not returned to FINRA.

On September 20, 2013, Supanik requested that his on the record interview be rescheduled to November 18, 2013. Supanik also requested that he be granted an extension of time, until November 1, 2013, to provide the requested documents. Both of Supanik's requests were granted.

On October 29, 2013, Supanik requested additional time to provide documents responsive to the First request and asked that Supanik's on the record interview scheduled for November 18, 2013 be rescheduled until 2014. Both requests were denied by FINRA.

Supanik, failed to provide the documents and information requested by FINRA on November 1, 2013 and Supanik failed to appear and provide testimony on November 18, 2013.

In view of Supanik's failure to comply with Enforcement's requests for documents and information and testimony, Supanik has hindered Enforcement's ability to fully investigate the matters at issue in this investigation.

As a result of the foregoing, Supanik violated FINRA Rules 8210 and 2010 by failing to comply with requests by FINRA for information, documents and testimony.

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

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

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.

## 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: (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.

12/6/13

Date (mm/dd/yyyy)



Bruce Francis Supanik

Accepted by FINRA:

1/6/14

Date

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



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