

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 20130381215-01**

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

RE: tradeMONSTER (n/k/a Aperture, LLC
d/b/a OptionsHouse), Respondent
Broker-Dealer
CRD No. 145562

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, tradeMONSTER (n/k/a Aperture, LLC d/b/a OptionsHouse) (the "firm" or "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 has been a member of FINRA since April 17, 2008, and its registration remains in effect. The Firm has no relevant disciplinary history.

SUMMARY

In connection with Matter No. 20130381215, FINRA Department of Market Regulation staff ("staff") conducted an investigation concerning a customer complaint related to a trade on April 29, 2013. As a result of staff's review, staff detected supervisory failures by the firm. Specifically, on the trade date and through July 2016 (the "review period"), the firm failed to have an adequate supervisory system and procedures, including written supervisory procedures, that were reasonably designed to ensure that bust and/or adjust requests received from the firm's customers were handled properly.

FACTS AND VIOLATIVE CONDUCT

1. Pursuant to the former NASD Rule 3010, now FINRA Rule 3110, broker-dealers must provide for appropriate supervisory control of the organization, including a

separate system of follow-up and review, to achieve compliance with FINRA and NASD rules, and with securities laws and regulations. Broker-dealers are required to provide for appropriate written procedures of supervision and control that are reasonably designed to achieve compliance with FINRA and NASD rules and compliance with securities laws and regulations. FINRA Rule 2010 requires a broker-dealer to observe high standards of commercial honor and just and equitable principles of trade in the conduct of its business.

2. On April 29, 2013, very shortly after entering an erroneous order, a customer of the firm realized his error and contacted the firm within the time permitted under the relevant exchange's rules to request a review and bust of his trade due to obvious error. However, the firm failed to timely contact that exchange about the customer's request. As a result, the customer's trade was not busted. The inability to bust the trade led to a loss for the customer that was ultimately settled between the firm and the customer. Thereafter, in response to the customer's complaint in connection with the firm's handling of this transaction, staff's examination of the firm revealed that the firm did not have adequate systems and procedures, including written supervisory procedures ("WSPs"), to handle customer bust requests until July 2016.
3. During the review period, the firm failed to maintain a reasonable supervisory system, including written supervisory procedures, concerning the handling of customer bust and/or adjust requests.
4. The conduct described in paragraph two above constitutes a violation of NASD Rule 3010 (for the period prior to December 1, 2014) and FINRA Rules 2010 and 3110 (for the period after November 30, 2014).

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

A censure and a fine of \$25,000.

Respondent agrees to pay the monetary sanction(s) upon notice that this AWC has been accepted and that such payment(s) are due and payable. It has submitted an Election of Payment form showing the method by which it proposes to pay the fine imposed.

Respondent specifically and voluntarily waives any right to claim that it is unable to pay, now or at any time hereafter, the monetary sanction(s) imposed in this matter.

The sanctions imposed herein shall be effective on a date set by FINRA staff.

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 the firm;
- 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 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.

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 9216;
- 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 the firm’s permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against the firm;
 - 2. This AWC will be made available through FINRA's public disclosure program in accordance with FINRA Rule 8313;
 - 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 the firm's: (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.
- D. Respondent may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. The firm understands that it may not deny the charges or make any statement that is inconsistent with the AWC in this Statement. This Statement does not constitute factual or legal findings by FINRA, nor does it reflect the views of FINRA or its staff.

The undersigned, on behalf of the firm, certifies that a person duly authorized to act on its behalf has read and understands all of the provisions of this AWC and has been given a full opportunity to ask questions about it; that it has agreed to the AWC's 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 the firm to submit it.

10/21/16
Date

Respondent
tradeMONSTER (n/k/a Aperture, LLC
d/b/a OptionsHouse)

By: Thomas N. McManus

Name: THOMAS N. McMANUS

Title: SVP & GENERAL COUNSEL BROKERAGE
E*TRADE FINANCIAL CORPORATION
ULTIMATE PARENT OF APERTURE, LLC

Reviewed by:

Thomas N. McManus
Thomas N. McManus
Counsel for Respondent
E*TRADE Financial Corporation
Harborside 2
200 Hudson Street, Suite 501
Jersey City, NJ 07311
(201) 793-0581

Accepted by FINRA:

11/3/2016
Date

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

Eric S. Brown

Eric S. Brown
Chief Counsel
FINRA Department of Market Regulation