

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2015043657201**

RECEIVED
OCT 31 2016

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

CHICAGO DIST. OFFICE

**RE: Denise Cerveney, Respondent
General Securities Principal
CRD No. 2609567**

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

In December 1998, Denise Cerveney entered the securities industry as a general securities representative with a FINRA-registered firm. In November 2003, she became registered as a general securities principal with another FINRA firm. In February 2013, she became registered in both capacities with Regal Securities, Inc. In June 2015, Cerveney became registered in both capacities with another FINRA firm. Since then, she has remained registered in those capacities with that firm.

RELEVANT DISCIPLINARY HISTORY

Denise Cerveney has no disciplinary history.

OVERVIEW

Denise Cerveney signed her customers' names to various account documents as an accommodation to them, in violation of FINRA Rule 2010.

FACTS AND VIOLATIVE CONDUCT

While transitioning from her prior firm to Regal Securities in March 2013, Denise Cervený reused the signatures of approximately 20 customers for new account documents that she was required to complete as a result of her transfer.

The alterations, which occurred between March and September 2013, were performed by Cervený by copying and pasting customers' signatures from account documents that had been on file with her prior firm, to certain Regal account documents. The account documents mostly included new account forms, margin and options agreements and letters of authorization.

Furthermore, between December 2014 and February 2015, Cervený reused the signature of a customer by copying and pasting that customer's signature onto four "non-solicitation agreements" with regard to the unsolicited purchases of non-traditional exchange traded funds.

In all the above instances, Cervený copied and pasted the signatures of her customers with their knowledge and authorization, after they had communicated to her that it was inconvenient for them to sign the documents themselves. Regal, however, was not aware that Cervený had copied and pasted customer signatures to Regal account documents, and that the signatures were not original and authentic.

By cutting and pasting her customers' signatures to the above-referenced account documents, Cervený violated FINRA Rule 2010.

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

A suspension for three months and a \$7,500 fine.

I agree to pay the monetary sanction(s) upon notice that this AWC has been accepted and that such payment(s) are due and payable. I have submitted an Election of Payment form showing the method by which I propose to pay the fine imposed.

I specifically and voluntarily waive any right to claim that I am unable to pay, now or at any time hereafter, the monetary sanction(s) imposed in this matter.

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. 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.

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 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. 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.

D. I may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. I understand that I 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.

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.

6/8/16
Date

Denise Cerveny
Denise Cerveny

Reviewed by:



Michael Uilla, Esq.
Law Offices of Michael Uilla
26 Court Street, Suite 2601
Brooklyn, New York 11242
(718) 852-8400

Accepted by FINRA:

7-14-16
Date

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



Richard A. March
Senior Regional Counsel
FINRA Department of Enforcement
55 West Monroe Street, Suite 2700
Chicago, Illinois 60603-5052
(312) 899-4351