

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

Department of Enforcement,

Complainant,

v.

Amanda Justine Sarabia
CRD No. 6437164,

Respondent.

Disciplinary Proceeding
No. 2018057635002

Hearing Officer LOM

**ORDER ACCEPTING OFFER OF
SETTLEMENT**

Date: June 21, 2019

INTRODUCTION

Disciplinary Proceeding No. 2018057635002 was filed on April 18, 2019, by the Department of Enforcement of the Financial Industry Regulatory Authority (FINRA) (Complainant). Respondent Amanda Justine Sarabia submitted an Offer of Settlement (Offer) to Complainant dated June 20, 2019. Pursuant to FINRA Rule 9270(e), the Complainant and the National Adjudicatory Council (NAC), a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs (ODA) have accepted the uncontested Offer. Accordingly, this Order now is issued pursuant to FINRA Rule 9270(e)(3). The findings, conclusions and sanctions set forth in this Order are those stated in the Offer as accepted by the Complainant and approved by the NAC.

Under the terms of the Offer, Respondent has consented, without admitting or denying the allegations of the Complaint, 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, to the entry of

findings and violations consistent with the allegations of the Complaint, and to the imposition of the sanctions set forth below, and fully understands that this Order will become part of Respondent's permanent disciplinary record and may be considered in any future actions brought by FINRA.

BACKGROUND

Sarabia entered the securities industry in 2015 when she became associated with NMIS as a non-registered fingerprint person ("NRF"). From 2015 through 2018, Sarabia worked as a non-registered assistant in the El Paso, Texas branch office of NMIS. Sarabia was responsible for, and assisted with, various tasks including logging and forwarding customer securities checks to a Firm supervisor. In this capacity, Sarabia also had access to confidential customer information.

In February 2018, the Firm filed a Rule 4530 disclosure report stating that Sarabia's employment was terminated based on her alleged theft of \$200 by stealing a co-worker's blank check, making the check payable to cash, and cashing the check.

Although Sarabia is no longer registered or associated with a FINRA member, she 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 association with the Firm, namely, February 2, 2018, and (2) the Complaint charges her with failing to respond to a FINRA request for information and documents, and failing to appear and provide testimony during the two-year period after the date upon which she ceased to be registered or associated with a FINRA member.

FINDINGS AND CONCLUSIONS

It has been determined that the Offer be accepted and that findings be made as follows:

SUMMARY

In March 2018, Enforcement initiated an investigation into allegations that Sarabia, an associated employee with NMIS, a FINRA regulated broker-dealer, converted funds from a Firm co-worker. In connection with the investigation, between July 2018 and March 2019, Enforcement requested, pursuant to FINRA Rule 8210, that Sarabia provide documents and information, and appear and provide testimony. Sarabia failed to comply with these requests, in violation of FINRA Rules 8210 and 2010.

FAILURE TO COMPLY WITH FINRA REQUESTS FOR DOCUMENTS AND INFORMATION, AND TESTIMONY (FINRA RULES 8210 AND 2010)

FINRA Rule 8210(a)(1) requires a “member, person associated with a member, or any other person subject to FINRA’s jurisdiction to provide information orally, in writing, or electronically . . . and to testify at a location specified by FINRA staff . . . with respect to any matter involved in the investigation, complaint, examination, or proceeding . . .” FINRA Rule 8210(c) similarly provides that “[n]o member or person shall fail to provide information or testimony . . . pursuant to this Rule.”

FINRA Rule 2010 states that “[a] member, in the conduct of its business, shall observe high standards of commercial honor and just and equitable principles of trade.” A violation of FINRA Rule 8210 is also a violation of FINRA Rule 2010.

On July 16, 2018 and August 3, 2018, Enforcement sent letters pursuant to FINRA Rule 8210, requesting that Sarabia appear and provide testimony at a court reporter’s office in El Paso, Texas, on August 1, 2018 and August 14, 2018, respectively. The FINRA 8210 letters also requested that Sarabia complete and return to Enforcement staff a pre-testimony questionnaire

(the “Questionnaire”) by July 30, 2018 and August 10, 2018, respectively. Enforcement sent these letters to Sarabia’s last known residential address as reflected in the Central Registration Depository (“CRD”) and to a second address identified as belonging to Sarabia (the “Alternate Address”).

The letters sent to Sarabia on July 16 and August 3, 2018, also advised that “failure to provide any information requested by [Enforcement] staff, could violate Rule 8210 and could be the basis for the initiation of a disciplinary proceeding that could lead to the imposition of sanctions, including a bar from the industry, suspension, censure and/or fine.”

Sarabia acknowledged receipt of each of these letters in telephone conversations with Enforcement staff. During Sarabia’s second telephone conversation with Enforcement staff, she stated that she would not appear and provide testimony on the scheduled date.

Sarabia failed to complete and return the Questionnaire, and also failed to appear for testimony as requested by the letters sent on July 16 and August 3, 2018.

On February 6, 2019, Enforcement caused Sarabia to be personally served with another letter issued pursuant to Rule 8210 (the “February 6 Rule 8210 Letter”). Sarabia was served at a third residential address Sarabia previously provided to Enforcement, which was not her address listed in CRD nor the Alternate Address. The February 6 Rule 8210 Letter again requested that Sarabia complete and return the Questionnaire by February 26, 2019, and appear and provide testimony on February 28, 2019, in El Paso, Texas.

The February 6 Rule 8210 Letter also advised that “failure to provide any information requested by [Enforcement] staff, could violate Rule 8210 and could be the basis for the initiation of a disciplinary proceeding that could lead to the imposition of sanctions, including a bar from the industry, suspension, censure and/or fine.”

Sarabia failed to complete and return the Questionnaire by February 26, 2019, and also failed to appear and provide testimony on February 28, 2019 as requested by the February 6 Rule 8210 Letter.

To date, Sarabia has not provided the completed Questionnaire, and has not appeared and provided testimony in connection with Enforcement's investigation of this matter.

By reason of the foregoing, Sarabia failed to provide the documents and information and the testimony requested in connection with a FINRA investigation, in violation of FINRA Rules 8210 and 2010.

The acts, practices, and conduct described above constitute separate and distinct violations of FINRA Rules 8210 and 2010.

Based on the foregoing, Respondent violated FINRA Rules 8210 and 2010.

Based on these considerations, the sanctions hereby imposed by the acceptance of the Offer are in the public interest, are sufficiently remedial to deter Respondent from any future misconduct, and represent a proper discharge by FINRA, of its regulatory responsibility under the Securities Exchange Act of 1934.

SANCTIONS

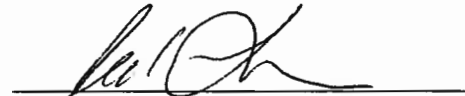
It is ordered that Respondent be barred from association with any FINRA member in all capacities.

The sanctions imposed herein shall be effective on a date set by FINRA staff. A bar or expulsion shall become effective upon approval or acceptance of this Order.

SO ORDERED.

FINRA

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

A handwritten signature in black ink, appearing to read 'Richard Chin', is written over a horizontal line.

Richard Chin, Chief Counsel
Lane Thurgood, Director
Adeline Liu, Senior Counsel
FINRA Department of Enforcement
Brookfield Place
200 Liberty Street, 11th Floor
New York, New York 10281
Phone: (646) 315-7322 Fax: (202) 689-3415
E-mail: Richard.Chin@finra.org