

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

Department of Enforcement,

Complainant,

v.

John A. Orlando
CRD No. 2002197,

Respondent.

Disciplinary Proceeding
No. 2019063633301

Hearing Officer—RES

**ORDER ACCEPTING OFFER OF
SETTLEMENT**

Date: August 5, 2022

INTRODUCTION

Disciplinary Proceeding No. 2019063633301 was filed on March 31, 2022, by the Department of Enforcement of the Financial Industry Regulatory Authority (FINRA or Complainant). Respondent John A. Orlando submitted an Offer of Settlement (Offer) to Complainant dated August 4, 2022. 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 (as amended by the Offer), 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 (as amended by the Offer), 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

Orlando entered the securities industry in 1989 when he associated with a FINRA member firm and registered as a general securities representative. From the time he entered the industry to the present, he has been consecutively registered through 13 member firms.

From August 2016 through September 2019, Orlando was registered as a general securities representative and general securities principal through Westpark.

Orlando subsequently became registered through another FINRA member firm, where he currently remains registered as a general securities representative, corporate securities representative, and general securities principal. Orlando is therefore subject to FINRA's jurisdiction.

FINDINGS AND CONCLUSIONS

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

SUMMARY

From January 2017 through July 2019, while associated with Westpark Capital, Inc., Orlando caused inaccuracies in Westpark's books and records by mischaracterizing 87 solicited transactions in a customer's account as "unsolicited," in violation of FINRA Rules 4511 and 2010.

FACTS

Mismarking Transactions (FINRA Rules 4511 and 2010)

FINRA Rule 4511(a) provides that "[m]embers shall make and preserve books and records as required under FINRA Rules, the Exchange Act, and the applicable Exchange Rules."

Exchange Act Rule 17a-3(a)(6)(i) requires firms to make and keep current a “memorandum of each brokerage order, and of any other instruction, given or received for the purchase or sale of securities, whether executed or unexecuted,” which shall include “the terms and conditions of the order or instructions.”

FINRA members, and their associated persons, have an obligation to ensure that books and records made and preserved under FINRA Rule 4511 are accurate.

Causing a firm to make and preserve false or inaccurate books and records violates FINRA Rule 4511.

A violation of FINRA Rule 4511 constitutes a violation of FINRA Rule 2010.

From January 2017 through July 2019, Orlando falsely characterized 87 transactions in a customer’s account as “unsolicited,” when, in fact, Orlando solicited the customer to participate in each transaction. Orlando’s conduct caused Westpark to make and preserve inaccurate books and records.

As a result, Orlando violated FINRA Rules 4511 and 2010.

Based on the foregoing, Respondent violated FINRA Rules 4511 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 sanctioned as follows:

- a 10 business-day suspension from association with any FINRA member in any capacity; and
- a fine of \$2,500.

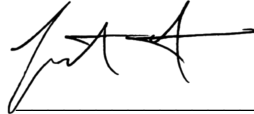
Respondent agrees to pay the monetary sanction upon notice that this Offer has been accepted and that such payment is due and payable. Respondent has submitted an Election of Payment form showing the method by which he proposes to pay the fine imposed.

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

SO ORDERED.

FINRA

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



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