

FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2015046441601

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

RE: Michael Resciniti, Respondent
General Securities Representative
CRD No. 4006304

Pursuant to FINRA Rule 9216 of FINRA’s Code of Procedure, Respondent Michael Resciniti (“Respondent” or “Resciniti”) 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

Resciniti first became registered with FINRA as a General Securities Representative (GS) in November 2000 through a former member firm. Since that time, he has been registered with FINRA as a GS through 17 firms, including Laidlaw & Company (UK) LTD. (BD No. 119037) (“Laidlaw” or “Firm”), where he was registered from January 7, 2015 through February 26, 2016. Resciniti is currently registered as a GS through a member firm.

RELEVANT DISCIPLINARY HISTORY

In April 2007, Resciniti entered into an Offer of Settlement with FINRA pursuant to which he was suspended from associating with any FINRA member firm in any capacity for 10 business days, fined \$5,000 and ordered to pay restitution in the amount of \$10,842.03 plus interest, based upon findings that during September 2003 Resciniti effected eleven unauthorized trades in the account of a customer. In January 2008, the State of Illinois Secretary of State, Securities Department revoked Resciniti’s registration as a salesperson based upon Resciniti’s April 2007 Offer of Settlement with FINRA.

OVERVIEW

Between February 2015 and August 2015, Resciniti executed 31 unauthorized transactions in the accounts of two Firm customers in violation of FINRA Rule 2010.

FACTS AND VIOLATIVE CONDUCT

FINRA Rule 2010 requires each FINRA member and its associated persons to observe high standards of commercial honor and just and equitable principles of trade. A registered representative's execution of unauthorized trades in a customer's account violates FINRA Rule 2010.

Between February 2015 and August 2015, Resciniti executed 31 unauthorized transactions in the accounts of two Firm customers. By virtue of the foregoing, Resciniti violated FINRA Rule 2010.

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

- A suspension from association with any FINRA member in any and all capacities for a period of seven months.¹

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,

¹ On February 23, 2016, Resciniti filed a Chapter 7 bankruptcy petition pursuant to Title 11, United States Code. Accordingly, no monetary sanction is being assessed in this matter.

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:

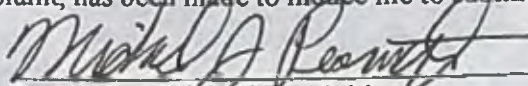
- A. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by the NAC, a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs (“ODA”), pursuant to FINRA Rule 9216;
- B. If this AWC is not accepted, its submission will 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.

10.23.2017
Date (mm/dd/yyyy)


Respondent Michael Resciniti

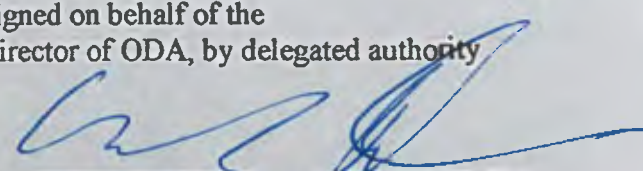
Reviewed by:

Liam O'Brien, Esq.
Counsel for Respondent
McCORMICK & O'BRIEN, LLP
9 East 40th Street, 4th Floor, New York, NY 10016

Accepted by FINRA:

Date

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



Samuel L. Barkin, Senior Regional Counsel
FINRA, District 10
Brookfield Place
200 Liberty Street
New York, NY 10281-1003
(212) 858-4074
(202) 721-6573 (direct fax)
samuel.barkin@finra.org

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.


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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.

Date (mm/dd/yyyy)

Respondent Michael Resciniti

Reviewed by:



Liam O'Brien, Esq.
Counsel for Respondent
McCORMICK & O'BRIEN, LLP
9 East 40th Street, 4th Floor, New York, NY 10016

Accepted by FINRA:

November 16, 2017
Date

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



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