

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER, AND CONSENT
NO. 2019064511201**

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

RE: David G. Menashe (Respondent)
Former General Securities Representative
CRD No. 5727269

Pursuant to FINRA Rule 9216, Respondent David G. Menashe 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 in this AWC.

I.

ACCEPTANCE AND CONSENT

A. Respondent accepts and consents to the following findings by FINRA without admitting or denying them:

BACKGROUND

Menashe first became registered with FINRA in 2009 when he associated with a FINRA member. From February 2013 through January 2017, Menashe was registered with FINRA as a General Securities Representative (GSR) through his association with Joseph Stone Capital L.L.C. From January 2017 through February 2019, Menashe was registered with FINRA as a GSR through his association with Newbridge Securities Corporation.

Most recently, Menashe was registered through his association with another FINRA member as a GSR from October 2021 through March 3, 2022, when the firm filed a Uniform Termination Notice for Securities Industry Regulation (Form U5), terminating Menashe's registration with FINRA. Menashe is not currently registered or associated with any FINRA member firm. However, he remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.

In 2017, Menashe consented to the entry of an order with the Montana Commissioner of Securities and Insurance related to allegations that he engaged in excessive and unauthorized trading in a customer account. Menashe was ordered to pay restitution of \$15,000.¹

¹For more information about the respondent, including prior regulatory events, visit BrokerCheck® at www.finra.org/brokercheck.

OVERVIEW

During the course of a FINRA investigation into potential unsuitable and excessive trading in customer accounts, Menashe refused to appear for on-the-record testimony requested pursuant to FINRA Rule 8210. As a result, Menashe violated FINRA Rules 8210 and 2010.

FACTS AND VIOLATIVE CONDUCT

FINRA Rule 8210(a)(1) states, in relevant part, that FINRA may require a person subject to its 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 [a FINRA] investigation [or] examination.” FINRA Rule 8210(c) further states that “[n]o ... person shall fail to provide information or testimony ... pursuant to this Rule.” A violation of FINRA Rule 8210 is also a violation of FINRA Rule 2010, which requires member firms and associated persons, in the conduct of their business, to “observe high standards of commercial honor and just and equitable principles of trade.”

On May 27, 2022, in connection with its investigation into Menashe’s conduct, FINRA sent a request to Menashe for on-the-record testimony pursuant to FINRA Rule 8210. On June 6, 2022, on a phone call with FINRA staff, Menashe informed staff that he did not intend to reenter the industry and would not appear for on-the-record testimony. Menashe later retained counsel. As stated during his counsel’s phone call with FINRA on June 17, 2022, and by this agreement, Menashe acknowledges that he received FINRA’s request and will not appear for on-the-record testimony at any time. By refusing to appear for on-the-record testimony as requested pursuant to FINRA Rule 8210, Menashe violated FINRA Rules 8210 and 2010.

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

- a bar from associating with any FINRA member in all capacities.

Respondent understands that if he is barred or suspended from associating with any FINRA member, he becomes 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, he 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 sanction imposed in this AWC shall be effective on a date set by FINRA. A bar or expulsion shall become effective upon approval or acceptance of this AWC.

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 him;
- 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 prejudice 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 its acceptance or rejection.

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 Respondent's permanent disciplinary record and may be considered in any future action brought by FINRA or any other regulator against Respondent;
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 its subject matter 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 Respondent's right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party. Nothing in this provision affects Respondent's testimonial obligations in any litigation or other legal proceedings.

Respondent certifies that he has read and understands all of the provisions of this AWC and has been given a full opportunity to ask questions about it; Respondent has agreed to the AWC's provisions voluntarily; and no offer, threat, inducement, or promise of any kind, other than the terms set forth in this AWC and the prospect of avoiding the issuance of a complaint, has been made to induce him to submit this AWC.

7/1/22
Date

David G. Menashe
Respondent

Reviewed by:

Robert M. Bursky
Robert M. Bursky, Esq.
68 South Service Road - Suite 100
Melville, New York 11747

Accepted by FINRA:

07/15/2022

Date

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



Albert Anthony Starkus III
Senior Counsel
FINRA

Department of Enforcement
12801 N. Central Expwy., Suite 1050
Dallas, TX 75243