



things, certain suspicious trading activities occurring through a broker-dealer from October 1, 2010 through December 31, 2013.

3. In connection with that investigation and pursuant to FINRA Rule 8210, on October 21, 2014, FINRA issued a letter to Pustelnik which requested that he produce certain emails.

### **FINRA ORDER**

4. On January 21, 2015, FINRA entered into an Acceptance, Waiver and Consent with Pustelnik (the "FINRA AWC"), which was accepted by FINRA's National Adjudicatory Council on that same date.
5. In the FINRA AWC, Pustelnik consented, without admitting or denying, to findings which included that he refused to produce emails in his possession requested by FINRA as part of an investigation into, among other things, certain suspicious trading activities occurring through a member firm.
6. Specifically, Pustelnik refused to produce a copy of the .pst file containing emails in a Gmail account used by Pustelnik for business and personal purposes.
7. As a result of the above described conduct, Pustelnik violated FINRA Rules 2010 and 8210.
8. In the FINRA AWC, Pustelnik consented to the imposition of a sanction barring or suspending him from association with any FINRA member in any capacity.

### **CONCLUSION OF LAW**

#### **PUSTELNIK IS THE SUBJECT OF AN ORDER OF A SELF-REGULATORY ORGANIZATION EXPELLING HIM FROM A SELF-REGULATORY ORGANIZATION**

N.J.S.A. 49:3-58(a)(1)

N.J.S.A. 49:3-58(a)(2)(vi)

9. The preceding paragraphs are incorporated by reference as though set forth verbatim herein.
10. Pursuant to N.J.S.A. 49:3-58(a):

[t]he bureau chief may by order deny, suspend, or revoke any registration if he finds: (1) that the order is in the public interest; and (2) that the applicant or registrant ... (vi)... is the subject of an order of ... a self-regulatory organization ... suspending or expelling him from a national securities or commodities association...

11. Having consented to a bar from association with any FINRA member, Pustelnik has effectively been expelled from a self-regulatory organization. This is cause, pursuant to N.J.S.A. 49:3-5 8(a)(2)(vi), to revoke Pustelnik's agent registration.
12. Based upon the foregoing, and pursuant to N.J.S.A. 49:3-58(a)(1), the revocation of Pustelnik's registration as an agent and certain exemptions is in the public interest.

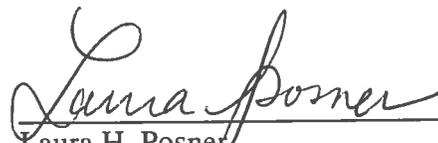
#### CONCLUSION

For the reasons stated above, it is on this 3<sup>rd</sup> day of December, 2015

**ORDERED** that the agent registration of Sergey Pustelnik be **REVOKED**; and it is further

**ORDERED** that Pustelnik is denied all exemptions contained in N.J.S.A. 49:3-50 subsections (a) paragraph 9, 10, and 11 and subsection (b); and it is further

**ORDERED** that the exemptions to the registration requirements provided by N.J.S.A. 49:3-56(b), N.J.S.A. 49:3-56(c) and N.J.S.A. 49:3-56(g) are hereby denied.

  
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Laura H. Posner  
Chief, Bureau of Securities

## **NOTICE OF RIGHT TO HEARING**

Pursuant to the Uniform Securities Law (1997), N.J.S.A. 49:3-47 et seq., specifically, N.J.S.A. 49:3-58(c), the Bureau Chief shall entertain on no less than three days notice, a written application to lift the summary revocation on written application of the applicant or registrant and in connection therewith may, but need not, hold a hearing and hear testimony, but shall provide to the applicant or registrant a written statement of the reasons for the summary revocation.

This matter will be set down for a hearing if a written request for such a hearing is filed with the Bureau within 15 days after the respondent receives this Order. A request for a hearing must be accompanied by a written response, which addresses specifically each of the allegations set forth in the Order. A general denial is unacceptable. At any hearing involving this matter, an individual respondent may appear on his/her own behalf or be represented by an attorney.

Orders issued pursuant to this subsection to suspend or revoke any registration shall be subject to an application to vacate upon 10 days' notice, and a preliminary hearing on the order to suspend or revoke any registration shall be held in any event within 20 days after it is requested, and the filing of a motion to vacate the order shall toll the time for filing an answer and written request for a hearing.

If no hearing is requested, the Order shall be entered as a Final Order and will remain in effect until modified or vacated. If a hearing is held, the Bureau Chief shall affirm, vacate or modify the order in accord with the findings made at the hearing.

**NOTICE OF OTHER ENFORCEMENT REMEDIES**

You are advised that the Uniform Securities Law provides several enforcement remedies, which are available to be exercised by the Bureau Chief, either alone or in combination. These remedies include, in addition to this action revoking your registration, the right to seek and obtain injunctive and ancillary relief in a civil enforcement action, N.J.S.A. 49:3-69, and the right to seek and obtain civil penalties in an administrative or civil action, N.J.S.A. 49:3-70.1.

You are further advised that the entry of the relief requested does not preclude the Bureau Chief from seeking and obtaining other enforcement remedies against you in connection with the claims made against you in this action.