



("MSSB"), (CRD # 149777). Rivera was previously registered with the Bureau as an agent and/or investment adviser representative with various firms since 1990.

2. Morgan Stanley Smith Barney ("MSSB") (CRD# 149777) has been registered with the Bureau as a broker-dealer since May 2009 and notice filed with the Bureau as an investment adviser since June 2009. Prior to May 2009, MSSB was known as "Morgan Stanley & Co. LLC" (CRD# 8209). Morgan Stanley & Co. LLC had been registered with the Bureau as a broker-dealer since July 1983 and notice filed as an investment adviser with the Bureau since 1992. MSSB is headquartered in New York.
3. Rivera was employed as a financial adviser by MSSB in Paramus, New Jersey, from August 2008 to October 2010. As a financial adviser, Rivera provided his clients with wealth management services, and advised and managed their investment accounts.
4. The victims "W.F." and "G.H." were MSSB clients advised by Rivera who was responsible for managing their investment accounts.
5. The Indictment issued against Rivera filed on February 2, 2012, alleged that Rivera fraudulently obtained approximately \$94,000 from W.F.'s and G.H.'s MSSB accounts.
6. The Indictment alleged Rivera forged W.F. and G.H.'s signatures on wire transfer request forms and submitted the forms to his supervisors at MSSB for approval. Rivera falsely indicated on the wire transfer request forms that W.F. and G.H. wished to transfer funds to a Wachovia account that Rivera controlled.
7. Rivera spent the majority of the \$94,000 on personal expenditures.
8. Rivera pled guilty to one count of wire fraud.
9. On August 1, 2012, a Judgment in a Criminal Case was entered against Rivera for one (1) count of Wire Fraud. He was sentenced to, among other things, probation for two (2)

years, performance of 50 hours of community service during the first year, prohibition from incurring any new debt, and to refrain from employment that involves fiduciary responsibility. It was also so ordered that Rivera pay \$100 special assessment and make restitution in the amount of \$94,000 with no interest.

10. The fact that Rivera was convicted of crimes involving theft or fraudulent practices related to the securities business is grounds pursuant to N.J.S.A. 49:3-56(k) to summarily bar Rivera from being a partner, officer or director of an issuer, broker-dealer or investment adviser, or from occupying a similar status or performing a similar function or from directly or indirectly controlling or being controlled by an issuer, broker-dealer or investment adviser, or from acting as a broker-dealer, agent or investment adviser in New Jersey.

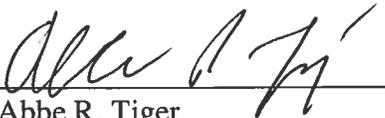
For the reasons stated above, it is on this 19<sup>TH</sup> DAY of February 2013,

ORDERED that Victor M. Rivera be, and hereby is, summarily barred, pursuant to N.J.S.A. 49:3-56(k), from being a partner, officer or director of an issuer, broker-dealer or investment adviser, or from occupying a similar status or performing a similar function or from directly or indirectly controlling or being controlled by an issuer, broker-dealer or investment adviser, or from acting as a broker-dealer, agent or investment adviser in New Jersey; and it is further

ORDERED that exemptions to certain securities transactions provided by N.J.S.A. 49:3-50 are hereby denied; and it is further

ORDERED that the exemptions to the registration requirements provided by N.J.S.A.  
49:3-56 are hereby denied

A copy of this Order shall be promptly served upon Victor M. Rivera.

By:   
Abbe R. Tiger  
Chief, Bureau of Securities

### NOTICE OF RIGHT TO HEARING

Pursuant to N.J.S.A. 49:3-56(k), any person barred by this subsection shall be entitled to request a hearing by the same procedures as set forth in subsection (c) of N.J.S.A. 49:3-50. Pursuant to N.J.S.A. 49:3-50(c)(1), upon service of the order issued by the Bureau Chief, the respondent shall have up to 15 days to respond to the Bureau in the form of a written answer and written request for a hearing. The Bureau Chief shall, within five days of receiving the answer and a request for a hearing, either transmit the matter to the Office of Administrative Law for a hearing or schedule a hearing at the Bureau. Orders issued pursuant to subsection (c) shall be subject to an application to vacate upon 10 days' notice, and a preliminary hearing on the order 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.

Pursuant to N.J.S.A. 49:3-50(c)(2) if a respondent fails to respond by either filing a written answer and written request for a hearing with the Bureau or moving to vacate an order within the 15 day prescribed period, the respondent shall be deemed to have waived the opportunity to be heard. The Order will become a Final Order and remain in effect until modified or vacated upon notice to all interested parties by the Bureau Chief.

NOTICE OF OTHER ENFORCEMENT REMEDIES

You are advised that the Uniform Securities Law (1997), N.J.S.A. 49:3-47, 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, the right to seek and obtain injunctive and ancillary relief in a civil enforcement action, N.J.S.A. 49:3-69.

You are further advised that the entry of this Order 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.