

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

DEPARTMENT OF ENFORCEMENT

Complainant,

v.

RICHARD A. RIEMER, JR.
(CRD No. 1721245),

Respondent.

Disciplinary Proceeding
No. 2013038986001

Hearing Officer—MJD

ORDER REJECTING OFFER OF SETTLEMENT

On August 1, 2016, Respondent Richard A. Riemer, Jr., submitted an Offer of Settlement (“Offer”) with the Office of Hearing Officers. Enforcement filed an Opposition on August 3, 2016. Thus, pursuant to FINRA Rule 9270(f), the Offer of Settlement is “contested.”

Enforcement argues that Riemer’s Offer does not meet the requirements of FINRA Rule 9270¹ and that the sanctions he proposes disregard FINRA’s Sanction Guidelines.² Riemer proposes as a sanction to “execute an undertaking in which he irrevocably and permanently covenants to refrain from seeking to register with a member firm.” Riemer attached to his Offer an unsigned copy of the undertaking he would execute. He also offers to pay a \$5,000 fine payable at the time he executes the undertaking. The Guidelines contain no provision that permits FINRA to accept as a sanction Respondent’s promise to never again register with a member firm.

Pursuant to Rule 9270(f), the Offer was submitted to the Hearing Panel, which has carefully reviewed the Offer and Enforcement’s Opposition. The Panel finds that the proceeding cannot be adjudicated on the papers by way of a contested Offer of Settlement. Resolving the issues in this case—including determining liability, whether or not Riemer acted “willfully,” and

¹ Rule 9270(c)(4) requires that the Offer contain a “statement consenting to finds of fact and violations consistent with the statements contained in the offer of settlement required by paragraphs(c)(2) and (c)(3).” Riemer specifically denies in his Offer that he “willfully” omitted to state a material fact on his Form U4 and is therefore subject to statutory disqualification pursuant to Section 3(a)(39)(F) of the Securities Exchange Act of 1934 and Article III, Section 3(b), of FINRA’s By-Laws. *See* Offer at 2.

² Rule 9270(b) requires that a Respondent shall not “propose a sanction inconsistent with the seriousness of the violations found.” Cause One of the Complaint alleges that Riemer willfully failed to timely amend his Form U4 to disclose two federal tax liens and a Chapter 13 bankruptcy filing, in violation of Article V, Section 2(c) of FINRA’s By-Laws, NASD Rules IM-1000-1 and 2110, and FINRA Rules 1122 and 2010. Cause two alleges that Riemer violated NASD Rule 2110 by falsely telling his firm in four annual compliance certifications that he had no unsatisfied liens or judgments and had not filed a bankruptcy petition.

This Order has been published by FINRA's Office of Hearing Officers and should be cited as OHO Order 16-21 (2013038986001).

appropriate sanctions, if any—will require a hearing where the Panel can fully evaluate the documentary and testimonial evidence.

Pursuant to Rule 9270(h), Riemer's contested Offer of Settlement is rejected and deemed withdrawn.

SO ORDERED.

Michael J. Dixon
Hearing Officer
For the Hearing Panel

Dated: August 15, 2016