

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2018058716301**

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

RE: Raymond Keith Malicki, Respondent
General Securities Representative
CRD No. 2120836

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Raymond Keith Malicki, submit 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 me alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. I hereby accept and consent, 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

Malicki entered the securities industry in 1991 when he registered as a General Securities Representative through association with a FINRA member firm. Malicki remained continuously registered through association with several member firms until he voluntarily resigned from a member firm in July 2018. In August 2018, Malicki associated with Oppenheimer & Co. Inc. ("Oppenheimer"), where he is currently employed.

RELEVANT DISCIPLINARY HISTORY

Malicki has no prior disciplinary history with the Securities and Exchange Commission, any state securities agency, FINRA or any other self-regulatory organization.

OVERVIEW

Malicki refused to appear for on-the-record testimony requested pursuant to FINRA Rule 8210 on the scheduled date or at any time. By refusing to provide on-the-record testimony as requested pursuant to FINRA Rule 8210, Malicki violates FINRA Rules 8210 and 2010.

FACTS AND VIOLATIVE CONDUCT

FINRA Rule 8210(a)(1) states, in relevant part, that FINRA has the right to "require a . . . person associated with a member, or any other person subject to FINRA's jurisdiction to provide information orally, in writing, or electronically . . . and to testify at a location specified by FINRA staff, under oath or affirmation . . . with respect to any matter involved in the investigation, complaint, examination or proceeding." FINRA Rule 8210(c) provides that "[n]o member or person shall fail to provide . . . testimony . . . pursuant to this Rule."

FINRA Rule 2010 requires associated persons to observe high standards of commercial honor and just and equitable principles of trade.

In August 2018, Oppenheimer filed an amendment to Malicki's Uniform Application for Securities Industry Registration or Transfer (Form U-4) to disclose that Malicki's prior firm had learned of "[a]llegations regarding [Malicki's] access to, and conducting transactions in, a client's account at a third party financial institution."

Subsequently, on February 8, 2019, FINRA staff sent a request to Malicki for on-the-record testimony pursuant to FINRA Rule 8210. As stated in his counsel's email to FINRA staff on February 8, 2019, and by this agreement, Malicki acknowledges that he received FINRA's request and will not appear for on-the-record testimony on the scheduled date or at any time. By refusing to appear for on-the-record testimony as requested pursuant to FINRA Rule 8210, Malicki violates FINRA Rules 8210 and 2010.

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

- A bar from association with any FINRA member in any capacity.

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. A bar or expulsion shall become effective upon approval or acceptance of this AWC.

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, 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:

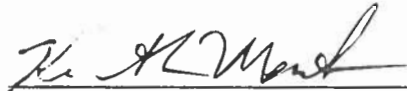
1. this AWC will become part of my permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against me;
2. this AWC will be made available through FINRA's public disclosure program in accordance with FINRA Rule 8313;
3. FINRA may make a public 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.

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)

Raymond Keith Malicki, Respondent

Reviewed by



Kenneth E. Meister, Counsel to Respondent
Law Office of Kenneth E. Meister
181 Berkeley Place, Suite 300
Brooklyn, NY 11217
917-865-7388

Accepted by FINRA:

Date

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

Margery M. Shanoff
Senior Counsel
FINRA Department of Enforcement
15200 Omega Drive, 3rd Floor
Rockville, MD 20850
Telephone: 301-258-8515

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02/26/2019
Date (mm/dd/yyyy)


Raymond Keith Malicki, Respondent

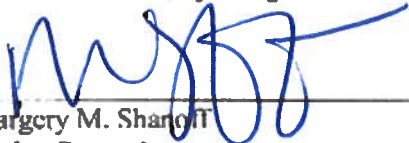
Reviewed by

Kenneth E. Meister, Counsel to Respondent
Law Office of Kenneth E. Meister
181 Berkeley Place, Suite 300
Brooklyn, NY 11217
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Signed on behalf of the
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