

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER, AND CONSENT
NO. 2022073741701**

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

RE: Brandon Autiero (Respondent)
Former General Securities Representative
CRD No. 7331393

Pursuant to FINRA Rule 9216, Respondent Brandon Autiero 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

Autiero first associated with Equitable Advisors, LLC in January 2021, later registering with the firm as a General Securities Representative with Equitable Advisors, LLC in March 2021. According to a Form U5 filed on February 24, 2022, Autiero was permitted to resign his association with the firm on February 18, 2022 “after receiving 8210 request from FINRA and admitting having violated ethical standards during a FINRA exam.” FINRA retains jurisdiction over Autiero pursuant to Article V, Section 4, of FINRA’s By-Laws.¹

OVERVIEW

While associated with Equitable Advisors, Autiero accessed the internet to assist with answering questions while taking one FINRA examination online, in violation of FINRA Rules 1210.05 and 2010, and two NASAA examinations online on four different occasions, in violation of FINRA Rule 2010.

FACTS AND VIOLATIVE CONDUCT

This matter originated from a report filed by FINRA’s Credentialing, Registration Education, and Disclosure Department.

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

FINRA Rule 1210.05 provides that “[a]ssociated persons taking any representative or principal examination shall be subject to the Rules of Conduct for representative and principal examinations” and applies to FINRA examinations. A violation of the . . . Rules of Conduct for representative and principal examinations shall be deemed to be a violation of Rule 2010.” FINRA Rule 2010 independently requires associated persons, in the conduct of their business, to “observe high standards of commercial honor and just and equitable principles of trade.” Cheating during a FINRA exam violates FINRA Rules 1210.05 and 2010. Cheating during an NASAA exam violates FINRA Rule 2010.

Autiero took the FINRA Series 7 examination on March 18, 2021, the NASAA Series 66 examination on June 15, 2021, July 21, 2021, and September 8, 2021, and the NASAA Series 63 examination on September 27, 2021. In each instance, Autiero had been provided an accommodation to take the examination online rather than in person. Prior to beginning each examination, Autiero attested that he had read and would abide by the relevant Rules of Conduct. These rules require candidates taking online examinations to store all personal items outside the room in which they take the exam, and prohibit any use, attempted use, or access to personal items, including electronic devices or phones to access the internet during the examination. During each qualification examination, Autiero accessed the internet, including online forums, to assist with answering examination questions. Therefore, Autiero violated FINRA Rules 1210.05 and 2010 while taking the Series 7 exam and FINRA Rule 2010 while taking the Series 66 and Series 63 exams.

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

- 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 sanctions 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 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 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.

- D. Respondent may attach a corrective action statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. Respondent understands that he may not deny the charges or make any statement that is inconsistent with the AWC in this statement. This statement does not constitute factual or legal findings by FINRA, nor does it reflect the views of FINRA.

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.

May 24, 2022

Date

Brandon Autiero

Brandon Autiero
Respondent

Reviewed by:

Scott Matasar

Scott Matasar
Counsel for Respondent
Matasar Jacobs LLC
1111 Superior Ave., Suite 1355
Cleveland, OH 44114

Accepted by FINRA:

July 12, 2022

Date

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

Alex Feldman

Alex Feldman
Principal Counsel
FINRA
Department of Enforcement
200 Liberty Street
New York, NY 10281