

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2017056344701**

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

RE: Mitchell Bloom, Respondent
Former Registered Representative
CRD No. 1682361

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Mitchell Bloom, 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

Bloom entered the securities industry in 1987 when he registered as a General Securities Representative through association with a FINRA member firm. He remained continuously registered through association with a number of other member firms until he joined Cetera Advisor Networks LLC ("Cetera" or the "Firm") in 2011 and remained there until Cetera terminated his employment in November 2017.

Bloom has not been employed in the securities industry since November 2017, but he remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.

RELEVANT DISCIPLINARY HISTORY

Bloom has no disciplinary history.

OVERVIEW

Bloom has refused to appear for testimony requested pursuant to FINRA Rule 8210 on the date scheduled or at any time. By refusing to provide on-the-record testimony as requested pursuant to FINRA Rule 8210, Bloom 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) similarly provides that “[n]o member or person shall fail to provide . . . testimony . . . pursuant to this Rule.”

During November 2017, Cetera filed a Uniform Termination Notice for Securities Industry Registration (Form U5) for Bloom stating that “[i]n violation of the firm’s policies, representative participated in a private securities transaction and engaged in an outside business activity, without the firm’s prior approval.”

Subsequently, on January 22, 2019, FINRA staff sent Bloom a request, pursuant to FINRA Rule 8210, for on-the-record testimony. As stated in his counsel’s January 22, 2019 email to FINRA staff and by this agreement, Bloom acknowledges that he received FINRA’s request and will not appear for the requested testimony on the date scheduled or at any other time. By refusing to provide on-the-record testimony as requested pursuant to FINRA Rule 8210, Bloom 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 prejudice 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.

01/29/2019
Date (mm/dd/yyyy)



Mitchell Bloom, Respondent

Reviewed by



Michelle Atlas, Counsel to Respondent
9737 Wadsworth Parkway, Suite 205
Westminster, CO 80021

Accepted by FINRA:

2/6/19
Date

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



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