

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER, AND CONSENT
NO. 2015044336602**

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

RE: John A. Ordonez (Respondent)
Former General Securities Representative, Former Investment Banking Representative,
and Former Operations Professional
CRD No. 4308539

Pursuant to FINRA Rule 9216, Respondent John Ordonez 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

Ordonez first registered with FINRA in October 2006 as a General Securities Representative (GS) through an association with a member firm. In February 2014 Ordonez became registered with FINRA as a GS and an Investment Banking Representative through an association with BGC Financial, L.P., and, in April 2018, became registered as an Operations Professional through his association with BGC.

On January 30, 2019, BGC filed a Uniform Termination Notice for Securities Industry Registration (Form U5) terminating Ordonez's employment because he "inaccurately reflected the date of reviews on blotters." Subsequently, he was associated with several member firms. Ordonez was associated in an unregistered capacity with another member firm until November 2023. Although Ordonez is not currently registered or associated with a member firm, he remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.¹

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

OVERVIEW

Ordonez backdated documents produced to FINRA in response to a request to his employer for information made pursuant to FINRA Rule 8210. As a result of this conduct, Ordonez violated FINRA Rules 8210 and 2010.

FACTS AND VIOLATIVE CONDUCT

This matter originated from FINRA's surveillance of potential spoofing activity in American Depository Receipt securities.²

FINRA Rule 8210(a)(1) requires any "member, person associated with a member, or any other person subject to FINRA's jurisdiction to provide information orally, in writing, or electronically . . . with respect to any matter involved in [a FINRA] investigation." FINRA Rule 8210(a)(2) authorizes FINRA to "inspect and copy the books, records, and accounts of such member or person with respect to any matter involved in the investigation . . . that is in such member's or person's possession, custody or control." FINRA Rule 8210(c) states that "[n]o member or person shall fail to provide information . . . pursuant to this Rule." Implicit in this requirement is that member firms and their associated persons provide accurate and truthful information. Providing false or misleading information or documents in response to a Rule 8210 request violates the rule.

A violation of FINRA Rule 8210 is also a violation of FINRA Rule 2010, which requires associated persons, in the conduct of their business, to "observe high standards of commercial honor and just and equitable principles of trade."

On May 3, 2018, FINRA requested documents and information from BGC pursuant to FINRA Rule 8210 in connection with FINRA's investigation concerning possible spoofing activity. Among other things, FINRA requested that the firm provide evidence of supervisory reviews of equity trading for five days. During that time, BGC's surveillance group and/or compliance department conducted daily reviews of various surveillance reports and would escalate any issues from that review to a designated supervisor. Reviewers were required to sign, date and attach a cover sheet to the reports evidencing they completed the reviews.

Ordonez was in BGC's compliance department and assisted in performing the initial reviews. Ordonez, as part of that group, was responsible for performing the initial reviews for the five days specified in FINRA's request, and BGC tasked him with collecting the documents evidencing the reviews for production to FINRA. In gathering the documents, Ordonez saw that the relevant cover sheets that he was responsible for were blank. Ordonez signed and backdated the cover sheets to give the appearance of contemporaneous reviews. Ordonez was aware at the time that BGC would submit the backdated documents in response to FINRA's Rule 8210 request. BGC submitted the documents to FINRA on June 1, 2018.

² Spoofing is a type of fraudulent trading activity.

In October 2018, FINRA informed BGC that it intended to request that Ordonez appear for an on-the-record interview. Shortly thereafter, Ordonez informed BGC that he had signed and backdated the cover sheets concerning the initial reviews for the five trading days. BGC immediately placed Ordonez on administrative leave and informed FINRA of the misconduct. During his December 17, 2018 on-the-record interview, Ordonez acknowledged that he had backdated the five cover sheets provided in response to FINRA's May 3, 2018 request. Therefore, Ordonez violated FINRA Rules 8210 and 2010.

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

- a 13-month suspension from associating with any FINRA member in all capacities; and
- a \$10,000 fine.

The fine shall be due and payable either immediately upon reassociation with a member firm or prior to any application or request for relief from any statutory disqualification resulting from this or any other event or proceeding, whichever is earlier.

Respondent specifically and voluntarily waives any right to claim an inability to pay, now or at any time after the execution of this AWC, the monetary sanction imposed in this matter.

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.

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.

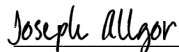
December 7, 2023

Date



John A. Ordonez
Respondent

Reviewed by:



Joseph P. Allgor, Esq.
Counsel for Respondent
Herskovits PLLC
305 Broadway, 7th floor
New York, New York 10007

Accepted by FINRA:

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

December 12, 2023

Date

Kevin M. McGee

Kevin M. McGee
Senior Counsel
FINRA
Department of Enforcement
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