

**STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT**

IN THE MATTER OF: DAVID M. VYNERIB

FILE NO. 0400415

NOTICE OF HEARING

TO THE RESPONDENT: David M. Vynierib
 (CRD#: 2866188)
 180 Imperial Avenue
 Westpoint, Connecticut 06880

You are hereby notified that pursuant to Section 11.F of the Illinois Securities Law of 1953 [815 ILCS 5] (the "Act") and 14 Ill. Adm. Code 130, Subpart K, a public hearing will be held at 69 West Washington Street, Suite 1220, Chicago, Illinois 60602, on the 16th day of March, 2005 at the hour of 10:00 a.m. or as soon as possible thereafter, before James G. Athas, Esq. or such other duly designated Hearing Officer of the Secretary of State.

Said hearing will be held to determine whether an Order shall be entered revoking David M. Vynierib's (the "Respondent") registration as a salesperson in the State of Illinois and/or granting such other relief as may be authorized under the Act including but not limited to the imposition of a monetary fine in the maximum amount pursuant to Section 11.E(4) of the Act, payable within ten (10) business days of the entry of the Order.

The grounds for such proposed action are as follows:

1. That at all relevant times, the Respondent was registered with the Secretary of State as a salesperson in the State of Illinois pursuant to Section 8 of the Act.
2. That on May 21, 2004 NASD entered a Letter Of Acceptance, Waiver and Consent (AWC) submitted by the Respondent regarding File no. C10040059 which sanctioned the Respondent as follows:
 - a. fine of \$7,500; and

Notice of Hearing

- 2 -

- b. suspended from associating with any NASD member firm for a period of sixty (60) calendar days.
3. That the AWC found:

In 2000 another individual hereinafter referred to as "Mr. S", and the Respondent were registered with NASD as General Securities Representatives through their association with CIBC. At CIBC, they worked together and had several joint customer accounts.

In or about February 2000, Mr. S and the Respondent permitted some of their joint customer accounts to be temporarily transferred to another CIBC General Securities Representative, RB, so that RB could reach a qualifying level of account assets and thereby obtain a forgivable loan from CIBC.

On or about March 1, 2000, RB received a forgivable loan from CIBC for \$138,974.16. Mr. S and the Respondent then received a portion of RB's forgivable loan proceeds. Specifically, Mr. S received at least \$14,000 and the Respondent received at least \$7,000 from RB. By reason of the foregoing, the Respondent violated NASD Conduct Rule 2110.
4. That Section 8.E(1)(j) of the Act provides, inter alia, that the registration of a salesperson may be revoked if the Secretary of State finds that such salesperson has been suspended by any self-regulatory organization registered under the Federal 1934 Act or the Federal 1974 Act arising from any fraudulent or deceptive act or a practice in violation of any rule, regulation or standard duly promulgated by the self-regulatory organization.
5. That NASD is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.
6. That by virtue of the foregoing, the Respondent's registration as a salesperson in the State of Illinois is subject to revocation pursuant to Section 8.E(1)(j) of the Act.

You are further notified that you are required pursuant to Section 130.1104 of the Rules and Regulations (14 Ill. Adm. Code 130) (the "Rules"), to file and answer to the allegations outlined above within thirty (30) days of the receipt of this Notice. A failure to file an answer within the prescribed time shall be construed as an admission of the allegations contained in the Notice of Hearing.

Notice of Hearing

- 3 -

Furthermore, you may be requested by legal counsel; may present evidence; may cross-examine witnesses and otherwise participate. A failure to so appear shall constitute default, unless any Respondent has upon due notice moved for and obtained a continuance.

A copy of the Rules, promulgated under the Act and pertaining to hearings held by the Office of the Secretary of State, Securities Department, is included with this Notice.

Delivery of Notice to the designated representative of any Respondent constitutes service upon such Respondent.

DATED: This 31st day of January 2005.


JESSE WHITE
Secretary of State
State of Illinois

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