

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

\_\_\_\_\_  
**IN THE MATTER OF: DAVID M. VYNERIB** )  
\_\_\_\_\_)

**FILE NO. 0400415**

**CONSENT ORDER OF CENSURE**

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

c/o Axiom Capital Management, Inc.  
780 Third Avenue 43<sup>rd</sup> Floor  
New York, New York 10017

c/o Michael Unger  
Rubin and Rudman LLP  
Counselors at Law  
50 Rowes Wharf  
Boston, Massachusetts 02110-3319

WHEREAS, Respondent on the 19<sup>th</sup> day of May 2005 executed a certain Stipulation To Enter Consent Order Of Censure ("Stipulation"), which hereby is incorporated by reference herein.

WHEREAS, by means of the Stipulation, Respondent has admitted to the jurisdiction of the Secretary of State and service of the Notice of Hearing of the Secretary of State, Securities Department, dated January 31, 2005, in this proceeding (the "Notice") and Respondent has consented to the entry of this Consent Order of Censure ("Consent Order").

WHEREAS, by means of the Stipulation, the Respondent acknowledged, without admitting or denying the truth thereof, that the following allegations contained in the Notice of Hearing shall be adopted as the Secretary of State's Findings of Fact:

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.

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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
- 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.

WHEREAS, by means of the Stipulation Respondent has acknowledged, without admitting or denying the averments, that the following shall be adopted as the Secretary of State's Conclusion of Law:

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.

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WHEREAS, by means of the Stipulation Respondent has acknowledged and agreed that:

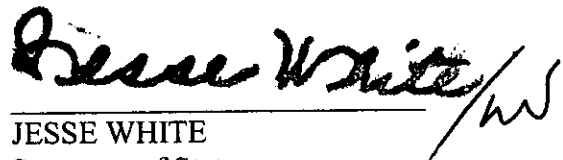
1. He shall be censured; and
2. He has submitted with the Stipulation a certified or cashier's check in the Amount of One Thousand Dollars (\$1,000.00). Said check was made payable to the order of the Office of the Secretary of State, Investors Education Fund and represents reimbursement to cover the costs incurred during the investigation of this matter.

WHEREAS, the Secretary of State, by and through his duly authorized representative, has determined that the matter related to the aforesaid formal hearing may be dismissed without further proceedings.

NOW THEREFORE IT SHALL BE AND IS HEREBY ORDERED:

1. David M. Vyneryb shall be and is censured.
2. David M. Vyneryb has submitted with the Stipulation a certified or cashier's check in the Amount of One Thousand Dollars (\$1,000.00). Said check has been made payable to the order of the Office of the Secretary of State, Investors Education Fund and represents reimbursement to cover the cost incurred during the investigation of this matter.
3. The formal hearing scheduled on this matter is hereby dismissed without further proceedings.

ENTERED This 25<sup>th</sup> day of May, 2005.



JESSE WHITE  
Secretary of State  
State of Illinois

NOTICE: Failure to comply with the terms of this Order shall be a violation of Section 12.1) of the Illinois Securities Law of 1953 [815 ELCS 5] (the Act). Any person or entity who fails to comply with the terms of this Order of the Secretary of State, having knowledge of the existence of this Order, shall be guilty of a Class 4 felony.