

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2014042110701**

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

**RE: Michael John Smeriglio III, Respondent
CRD No. 2499903**

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Michael John Smeriglio III ("Smeriglio" or "Respondent"), 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

Smeriglio entered the securities industry in October 1994 when he became registered with a FINRA member firm as an Investment Company and Variable Contracts Products Representative ("IR"). Subsequently in October 2002 he became registered with FINRA member firm MetLife Securities Inc. ("MetLife Securities") as an IR and in January 2004, as a General Securities Representative. On July 25, 2014, MetLife Securities filed a Uniform Termination Notice for Securities Industry Registration with FINRA disclosing that Smeriglio's registrations with MetLife Securities were terminated on July 21, 2014.

Although Smeriglio is not currently associated with any FINRA member, FINRA retains jurisdiction over him pursuant to Article V, Section 4 of FINRA's By-Laws.

RELEVANT DISCIPLINARY HISTORY

Smeriglio has no prior relevant disciplinary history.

OVERVIEW

Smeriglio failed to provide documents and information requested by FINRA staff in August 2014, in violation of FINRA Rules 8210 and 2010.

FACTS AND VIOLATIVE CONDUCT

On August 1, 2014, during the course of an investigation into allegations that Smeriglio converted customer funds from the customer's Estate and Trust, FINRA's Office of Fraud Detection and Market Intelligence sent a letter to Smeriglio, pursuant to FINRA Rule 8210, requesting documents and information. The response was originally due by August 11, 2014, but was extended by agreement with Smeriglio's counsel to August 15, 2014. Smeriglio did not respond to the Rule 8210 Request.

On August 19, 2014, FINRA staff sent Smeriglio a second request for the documents and information requested in the August 1, 2014 letter, pursuant to FINRA Rule 8210. On or about August 29, 2014, counsel for Smeriglio notified FINRA that Smeriglio would not be providing the documents and information requested in the letter dated August 1, 2014. To date, Smeriglio has not provided FINRA with any documents or information.

FINRA Rule 8210 authorizes FINRA, in the course of its investigations, to require persons associated with a FINRA member to "provide information orally, in writing, or electronically...with respect to any matter involved in the investigation."

In addition, FINRA Rule 2010 provides that "[a] member, in the conduct of its business, shall observe high standards of commercial honor and just and equitable principles of trade."

By failing to provide the documents and information that were requested pursuant to the August 1, 2014 and August 19, 2014 letters, Smeriglio violated FINRA Rules 8210 and 2010.

B. I also consent to the imposition of the following sanctions:

A bar from associating 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. Pursuant to FINRA Rule 8313(e), 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 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 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.

10/20/14
Date

[Signature]
Michael John Smeriglio, III, Respondent

Reviewed by:

[Signature]
Joseph Corozzo, Esq.
Counsel for Respondent
Rubinstein & Corozzo LLP
260 Madison Avenue, Flr. 22
New York, NY 10016
(212) 545-8777

Accepted by FINRA:

11/3/14
Date

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

[Signature]

Susan Schroeder
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