

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

IN THE MATTER OF: RYAN N. SHUBIN

FILE NO. 1000251

**NOTICE OF HEARING**

TO THE RESPONDENT:

Ryan N. Shubin  
(CRD#: 4367965)  
23931 Innisbrook Lane  
Laguna Niguel, California 92677

Ryan N. Shubin (CRD #: 4367965)  
C/o Morgan Stanley Smith Barney  
1300 Thames Street 6<sup>th</sup> Floor  
Baltimore, Maryland 21231

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 29<sup>th</sup> day of September, 2010 at the hour of 10:00 a.m. or as soon as possible thereafter, before James L. Kopecky 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 Ryan N. Shubin'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 26, 2008 FINRA entered a Letter of Acceptance; Waiver and Consent (AWC) submitted by the Respondent regarding File No. 20090163974 Which sanctioned the Respondent as follows:

## Notice of Hearing

2

- a. Suspension from association with any FINRA member firm in all capacities for one month and
  - b. \$5,000 fine.
3. That the AWC found:

### **OVERVIEW**

The Respondent made inaccurate changes to customer telephone and email records of his member firm employer.

### **FACTS AND VIOLATIVE CONDUCT**

In December 2008, shortly before resigning from UBS to begin working at another member firm, the Respondent caused customer records at UBS to be altered without authorization. Specifically, by using his broker workstation, the Respondent made inaccurate updates to certain customer telephone numbers, which affected approximately 37 customers. The changes were recorded on a UBS electronic database. The Respondent made the changes to customer telephone numbers to slow down other registered representatives at UBS that he believed would be assigned to call his customers after he resigned. Such conduct violated NASD Conduct Rule 2110. By changing customer telephone numbers and email addresses, the Respondent caused the books and records of UBS to be inaccurate. By virtue of this conduct, the Respondent violated NASD Conduct Rules 3110 and 2110 in that he caused his member firm to create and maintain inaccurate books and records in violation of Section 17(a) of the Securities and Exchange Act of 1934 and Rule 17a-3 promulgated thereunder, and NASD Conduct Rules 3110 and 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 FINRA 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 an answer to the allegations outlined above within thirty (30) days of the receipt of this Notice. A failure to file an answer

Notice of Hearing

3

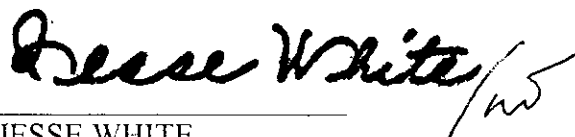
within the prescribed time shall be construed as an admission of the allegations contained in the Notice of Hearing.

Furthermore, you may be represented 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, can be found at the link below  
<http://www.cyberdriveillinois.com/departments/securities/lawrules.html>.

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

Dated: This 29<sup>th</sup> day of July 2010.



JESSE WHITE  
Secretary of State  
State of Illinois

Attorney for the Secretary of State:  
Daniel A. Tunick  
Office of the Secretary of State  
Illinois Securities Department  
69 West Washington Street, Suite 1220  
Chicago, Illinois 60602  
Telephone: (312) 793-3384

Hearing Officer:  
James L. Kopecky  
190 S. LaSalle  
Chicago, Illinois 60603