

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
FIRST NATIONAL CENTER, SUITE 860  
120 NORTH ROBINSON  
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

Richard Neil Molinsky

Respondent.

File No. ODS 02-010

**ORDER DENYING REGISTRATION**

The Administrator (Administrator) of the Oklahoma Department of Securities (Department), being fully advised in this matter, does hereby adopt the Findings of Fact and Conclusions of Law as set forth below.

**Findings of Fact**

1. On June 13, 2001, Berry-Shino Securities, Inc. (Berry-Shino) submitted the application of Richard Neil Molinsky (Molinsky) for registration under the Act as an agent of Berry-Shino.

2. On July 18, 2001, the Oklahoma Department of Securities (Department) sent a certified letter to Matthew Shino, president of Berry-Shino, requesting additional information in connection with Molinsky's application for registration. The letter requested that the information be provided to the Department within thirty (30) days. The certified letter was delivered on July 23, 2001. To date, there has been no response from Berry-Shino.

3. On September 4, 2001, the Department sent a letter to Molinsky at the address of Berry-Shino and to Molinsky's home address as reported on the Central Registration Depository System (CRD). The letter requested additional information in connection with Molinsky's application for registration to be provided to the Department within thirty (30) days. The letter sent to the address of Berry-Shino was delivered on September 7, 2001. The letter sent to Molinsky's home address was returned by the Post Office because Molinsky's forwarding address had expired. To date, there has been no response from Molinsky.

4. On October 22, 2001, a Recommendation to Deny Registration (Recommendation) was left in the office of the Administrator. On October 22, 2001, the Administrator issued a Notice of Opportunity for Hearing (Notice) based on the Recommendation.

5. The Administrator filed an Affidavit of Compliance (Affidavit) stating that a copy of the Notice with a copy of the Recommendation attached was delivered to him and that, on October 22, 2001, a copy of the Notice, with a copy of the Recommendation attached, was sent by certified mail, return receipt requested, delivery restricted to the addressee, to the last known address of Molinsky, in compliance with Section 413 of the Act.

6. The Notice specified that failure to request a hearing within fifteen (15) days after service of the Notice shall result in the issuance of an order to deny the registration of Molinsky as an agent of a broker-dealer under the Act.

7. Molinsky did not request a hearing within fifteen (15) days after service of the Notice.

8. Based upon the foregoing, it is in the public interest to deny the registration of Molinsky under the Act.

#### **Conclusions of Law**

1. Service was effected on Molinsky in compliance with Section 413 of the Act.

2. Molinsky has willfully failed to comply with a provision of the Act by failing to provide information determined to be necessary by the Administrator in connection with Molinsky's application for registration as an agent under the Act.

3. The Administrator of the Department is authorized to deny the registration of Molinsky as an agent of a broker-dealer in the state of Oklahoma pursuant to Section 204(a)(2) of the Act.

4. It is in the public interest to deny the registration of Molinsky under the Act.

Order

IT IS HEREBY ORDERED that the application for registration of Molinsky as an agent of a broker-dealer is denied pursuant to Section 204 of the Act.

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 20 day of November, 2001.

(SEAL)



IRVING L. FAUGHT, ADMINISTRATOR  
OF THE OKLAHOMA DEPARTMENT OF SECURITIES

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 20 day of November 2001, a true and correct copy of the above and foregoing Order Denying Registration was mailed by certified mail, return receipt requested, delivery restricted, with postage prepaid thereon, addressed to:

Richard Neil Molinsky  
Berry-Shino Securities, Inc.  
430 Park Avenue, 6<sup>th</sup> Floor  
New York, NY 10022

R. Matthew Shino, President  
Berry-Shino Securities, Inc.  
430 Park Avenue, 6<sup>th</sup> Floor  
New York, NY 10022



Brenda London Smith  
Paralegal