

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 95482 / August 11, 2022

ADMINISTRATIVE PROCEEDING
File No. 3-20960

In the Matter of

ROSS BARISH,

Respondent.

ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934,
MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) against Ross Barish (“Respondent”).

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings herein, except as to the Commission’s jurisdiction over him and the subject matter of these proceedings and the findings contained in paragraph III(2) below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceeding Pursuant to Section 15(b) of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent's Offer, the Commission finds that:

1. Ross Barish, age 46, resides in Port Washington, New York. From 1999 through early 2013, Barish was registered with six different broker-dealers. He joined Joseph Stone Capital, LLC, in May 2013 and he continues to work there as a registered representative. Barish holds Series 7 and 63 licenses.

2. On August 10, 2022, a final judgment was entered by consent against Barish permanently enjoining him from future violations of Section 17(a) of the Securities Act of 1933 and Exchange Act Section 10(b) and Rule 10b-5 thereunder, in the civil action entitled Securities and Exchange Commission v. Ross Barish, 20 Civ. 6437 (JPC), in the United States District Court for the Southern District of New York.

3. The Commission's complaint alleged that, from 2014 through July 2019, Barish recommended to customers a pattern of high cost, in-and-out trading without any reasonable basis to believe that his recommendations were suitable for anyone. The complaint alleged Barish's recommendations resulted in losses for the customers and ill-gotten gains for Barish. The complaint also alleged that Barish concealed material information from and made material misrepresentations to his customers, and that Barish engaged in unauthorized trading in customer accounts.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Barish's Offer.

Accordingly, it is hereby ORDERED, pursuant to Exchange Act Section 15(b)(6), that:

Respondent Barish be, and hereby is barred from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization; and

Respondent Barish be, and hereby is barred from participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent or other person who engages in activities with a broker, dealer or issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock.

Any reapplication for association by the Respondent will be subject to the applicable laws and regulations governing the reentry process, and reentry may be conditioned upon a number of factors, including, but not limited to, compliance with the Commission's order and payment of any or all of the following: (a) any disgorgement or civil penalties ordered by a Court against the Respondent in any action brought by the Commission; (b) any disgorgement amounts ordered against the Respondent for which the Commission waived payment; (c) any arbitration award

related to the conduct that served as the basis for the Commission order; (d) any self-regulatory organization arbitration award to a customer, whether or not related to the conduct that served as the basis for the Commission order; and (e) any restitution order by a self-regulatory organization, whether or not related to the conduct that served as the basis for the Commission order.

By the Commission.

Vanessa A. Countryman
Secretary