

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No. 52223 / August 8, 2005

ADMINISTRATIVE PROCEEDING

File No. 3-12008

In the Matter of

ERNESTO V. SIBAL and
DOSEPH J. SHIN

Respondents.

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 Ernesto V. Sibal and Doseph J. Shin (collectively “Respondents”).

II.

In anticipation of these proceedings, Respondents Sibal and Shin each have submitted Offers of Settlement (the “Offers”) to the Commission, 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 that Respondent Sibal admits the Commission’s jurisdiction over him and over the subject matter of these proceedings, and the findings contained in Section III.3 and III.5 below, which are admitted; Respondent Shin admits the Commission’s jurisdiction over him and over the subject matter of these proceedings, and the findings contained in Section III.3 and III.6 below, which are admitted; and Respondents consent to the entry of this Order Instituting Administrative Proceedings 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 the Respondents' respective Offers, the Commission finds that:

1. Respondent Sibal, 33 years old, is a resident of Altadena, California. During the period July 2002 through July 2003, Sibal was a senior associate in the Los Angeles, California office of Chanin & Co. LLC ("Chanin"), an investment banking firm. Chanin Capital Partners LLC is the holding company for Chanin and for Chanin Capital LLC, a broker-dealer registered with the Commission.

2. Respondent Shin, 31 years old, was a resident of Los Angeles, California during the period July 2002 through July 2003. During the period July 2002 through October 2002, Shin was a financial analyst in the Los Angeles office of Chanin.

3. On July 22, 2005, a final judgment was entered by consent against, *inter alia*, Sibal and Shin, enjoining them from future violations of Sections 10(b) and 14(e) of the Exchange Act and Rules 10b-5 and 14e-3 thereunder, in the civil action styled *Securities and Exchange Commission v. Ernesto V. Sibal, et al.*, Civil Action Number 05-CV-3133 (GPS)(AJWx), in the United States District Court for the Central District of California.

4. The Commission's complaint alleged, among other things, that Shin and Ernesto V. Sibal ("Sibal") engaged in insider trading in violation of Section 10(b) of the Exchange Act and Rule 10b-5 thereunder in connection with transactions in the securities of The DeWolfe Companies, Inc. ("DeWolfe"), Prime Retail, Inc. ("Prime Retail"), and Airborne, Inc. ("Airborne"), and insider trading in violation of Section 14(e) of the Exchange Act and Rule 14e-3 thereunder in connection with transactions in the securities of DeWolfe. The complaint also alleged that Shin engaged in insider trading in violation of Sections 10(b) and 14(e) of the Exchange Act and Rules 10b-5 and 14e-3 thereunder in connection with transactions in the securities of NCS, Inc. ("NCS"). The Commission's complaint alleged, among other things, that Shin obtained material nonpublic information from Robert Y. Joo ("Joo"), which Joo learned in the course of his employment at an investment bank, concerning three separate transactions involving, respectively, DeWolfe, Prime Retail and Airborne. The complaint alleged that Shin provided the material nonpublic information he learned from Joo to Sibal and Sibal purchased, on behalf of himself, Shin and Joo, securities in DeWolfe and Airborne prior to the announcement of the respective transactions. The complaint alleged that Sibal profited from his trading and paid kickbacks to Shin and Joo. The complaint further alleged that Shin separately tipped others with the material nonpublic information he acquired from Joo concerning the DeWolfe and Airborne transactions, that Shin and his tippees traded in DeWolfe and Airborne securities and profited from that trading, and that Shin shared in some of his tippees' profits. The complaint also alleged that Joo tipped Shin with material nonpublic information concerning a transaction involving Prime Retail, that Shin tipped Sibal and others, and that Shin and his tippees traded in Prime Retail and profited from their transactions. The complaint further alleged that Shin tipped Joo with material nonpublic information he obtained from Chanin concerning an impending tender offer for NCS stock so that Joo could find someone to buy the stock for them prior to the announcement. The

complaint alleged that Joo found someone to trade for him and that Joo's tippee paid a kickback to Shin and Joo from the proceeds of his trading. The complaint sought permanent injunctions, disgorgement, prejudgment interest and civil penalties against the Respondents.

5. On April 28, 2005, Sibal pled guilty to one count of conspiracy to commit securities fraud in violation of Title 18 United States Code § 371, the objects of which were the commission of securities fraud and wire fraud, before the United States District Court for the Central District of California, in *United States v. Ernesto V. Sibal*, Crim. Information No. CR05-400-ABC (C.D. CA) (filed April 28, 2005).

6. On April 28, 2005 Shin pled guilty to one count of conspiracy to commit securities fraud in violation of Title 18 United States Code § 371, the objects of which were the commission of securities fraud and wire fraud, before the United States District Court for the Central District of California, in *United States v. Doseph J. Shin, et al.*, Crim. Information No. CR05-401-ABC (C.D. CA) (filed April 28, 2005).

7. The respective count of the criminal information to which Sibal and Shin each pled guilty charged each of them with engaging in the same fraudulent trading scheme as that alleged in the Commission's civil complaint, as described above.

IV.

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

Accordingly, it is hereby ORDERED:

Pursuant to Section 15(b)(6) of the Exchange Act, that Respondents Sibal and Shin be, and hereby are, barred from association with any broker or dealer;

Any reapplication for association by Sibal or by Shin 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, the satisfaction of any or all of the following: (a) any disgorgement ordered against Sibal or against Shin, whether or not the Commission has fully or partially waived payment of such disgorgement; (b) any arbitration award related to the conduct that served as the basis for the Commission order; (c) 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 (d) 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.

Jonathan G. Katz
Secretary