

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

JAMES W. FLOWER
(CRD No. 2817701),

Respondent.

Disciplinary Proceeding
No. 2017052701101

Hearing Officer—LOM

**ORDER GRANTING ENFORCEMENT'S MOTION FOR LEAVE TO ISSUE
POST-COMPLAINT RULE 8210 REQUEST**

On November 25, 2020, the Department of Enforcement filed a motion for leave to issue a post-Complaint FINRA Rule 8210 request for documents and information. Its Rule 8210 request would seek information about the origins and authenticity of certain documents that Respondent Flower provided to Enforcement in mid-October.

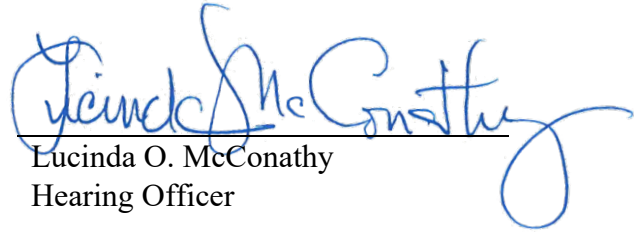
Although the deadline for Enforcement to issue post-Complaint Rule 8210 requests for information (other than requests for the attendance of witnesses at the hearing) has passed, Enforcement notes that it did not know the documents existed until well past that deadline. Moreover, Enforcement argues, it only recently learned that it has a reasonable basis to question the authenticity of at least one of the documents Respondent provided, a customer statement.

On December 4, 2020, Respondent Flower filed an opposition to Enforcement's motion. In his opposition, Respondent asserts that he has provided proof that the customer statement in question is genuine. He also argues that questions of authenticity can be dealt with in hearing testimony and that various anticipated questions about the transmittal and receipt of the documents are irrelevant to the issue of authenticity.

I find that the record would benefit from a full understanding of the circumstances surrounding Respondent's production of these documents, and Enforcement's use of Rule 8210

would promote that understanding and make the hearing more efficient. Enforcement's motion for leave to issue a post-Complaint Rule 8210 request is **GRANTED**.

SO ORDERED.


Lucinda O. McConathy
Hearing Officer

Dated: December 7, 2020

Copies to:

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