

**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 CONVERTING HEARING AND FINAL PRE-HEARING CONFERENCE TO
VIDEOCONFERENCE AND AMENDING PRE-HEARING SCHEDULE**

On December 3, 2020, the parties informed the Case Administrator by email that they had agreed to hold the hearing by videoconference. This Order accordingly adopts the parties' agreement and amends the pre-hearing schedule as set forth below.

I. Notice of Videoconference Hearing and Final Pre-Hearing Conference

The hearing in this matter will be held by Zoom videoconference on **January 19–29, 2021, starting at 9:00 a.m. (Eastern Time)**.

The final pre-hearing conference will be held by Zoom videoconference on **January 12, 2021, at 2:00 p.m. (Eastern Time)**.

The Case Administrator will email invitations to the parties and other videoconference attendees.

II. Additional Pre-Hearing Conference to Demonstrate Zoom Technology

The Hearing Officer will conduct an additional pre-hearing conference by Zoom videoconference on **January 5, 2021, at 2:00 p.m. (Eastern Time)**. During this pre-hearing conference, the Case Administrator will provide training and detailed guidance on the procedures that will govern the hearing.

The Case Administrator will email invitations to the parties and other videoconference attendees.

III. Schedule

January 5, 2021	Pre-Hearing Conference to demonstrate Zoom technology at 2:00 p.m., Eastern Time.
January 12, 2021	Final Pre-Hearing Conference at 2:00 p.m., Eastern Time.
January 15, 2021	Deadline for the parties to file notarized affirmations, affidavits, and declarations for testifying parties and witnesses. ¹
January 15, 2021	Deadline for the parties to provide witnesses access to all exhibits that relate to their direct testimony and may be designated for possible use on cross-examination.
January 19–29, 2021	Hearing

IV. Information about OHO Virtual Hearings and Videoconferences

The Office of Hearing Officers (“OHO”) provides an online [Virtual Hearing Guide for Parties](#). The Case Administrator will serve as the host and email invitations to the videoconference hearing and pre-hearing conference attendees. The Case Administrator will also provide training and technical support during pre-hearing conferences and the hearing.

A. Procedures

The parties should access the videoconferences fifteen minutes before the start time. Upon joining, participants will be admitted into a virtual Waiting Room, and the Case Administrator will readmit all participants to the meeting room at the same time when all parties have joined. During breaks, attendees should not disconnect from the videoconference to avoid delay and difficulty reconnecting. However, lines may be muted during breaks, and the Case Administrator may move participants to breakout rooms or the virtual Waiting Room.

B. Security

OHO has published information on the security features of its videoconference hearings at <https://www.finra.org/rules-guidance/key-topics/covid-19/oho-hearings>. To protect the security of the videoconference hearing, access is password protected and limited to authorized attendees only. Attendees should not forward or share links or passwords. To provide additional security, the Case Administrator will “lock” the videoconference once all participants have

¹ All parties must file a notarized affidavit or signed declaration from each witness stating that the witness attests that his or her hearing testimony will be truthful. Witnesses who are subject to FINRA jurisdiction must file a notarized affidavit. Witnesses who are not subject to FINRA jurisdiction may file a notarized affidavit or a signed declaration. All affidavits or declarations must be filed in PDF format by email to OHOCASEFILINGS@FINRA.ORG. Sample affidavits and declarations are available on OHO’s webpage at <https://www.finra.org/rules-guidance/adjudication-decisions/office-hearing-officers-oho/sample-forms>.

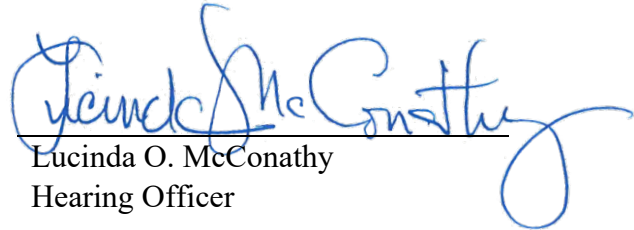
joined. Once the videoconference is locked, even individuals who possess the password will not be able to join until the Case Administrator unlocks the room again.

During the videoconference hearing, the Case Administrator will control who enters the hearing and alert the Hearing Officer if any party, attorney, or witness has been dropped from the hearing. Any participant who is dropped from the hearing due to technical issues should contact Case Administrator immediately. The parties are responsible for ensuring that their witnesses have the Case Administrator's name and phone number before the videoconference hearing begins.

V. Case Administrator

If the parties have any questions about this Order or the conduct of this proceeding, they should contact the Case Administrator assigned to this proceeding, Deirdre Feehan, who can be reached at 202-728-8186 or Deirdre.Feehan@FINRA.org.

SO ORDERED.


Lucinda O. McConathy
Hearing Officer

Dated: December 7, 2020

Copies to:

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Robert Kennedy, Esq. (via email)
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