

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

Respondent.

Disciplinary Proceeding
No. 2008013503101

Hearing Officer—Andrew H. Perkins

**ORDER DENYING RESPONDENT'S MOTIONS FOR LEAVE
TO SEEK AND RETAIN COUNSEL AND TO ADJOURN AND RETAIN COUNSEL**

On April 30, 2010, Respondent submitted a motion entitled "Motion to Leave to Seek and Retain Counsel." Although the motion does not specifically request any action by the Hearing Officer, from its context it appears that Respondent is requesting that the hearing be adjourned to provide him with additional time to retain an attorney to represent him in this proceeding. Respondent states that he is unable to keep up with the pre-hearing schedule and that he lacks an understanding of FINRA's procedural rules. The Department of Enforcement ("Enforcement") did not respond to Respondent's motion. Then, on May 13, 2010, Respondent filed a second motion that specifically requests that the hearing be rescheduled "at the time Respondent has retained counsel." Enforcement has not yet filed a response to the second motion.

The hearing is scheduled for July 14, 2010, which leaves ample time for him to retain an attorney and for such attorney to prepare for the hearing. Moreover, the Hearing Officer notes that the case has been pending for more than four months, during which period Respondent could

This Order has been published by FINRA's Office of Hearing Officers and should be cited as OHO Order 10-02 (2008013503101).

have retained an attorney. It is incumbent upon a respondent who desires to retain counsel to do so promptly, taking into consideration the hearing date and pre-hearing schedule. A respondent cannot delay his search and then use that as the basis for a postponement of the hearing. For the foregoing reasons, the Hearing Officer denies Respondent's motions to adjourn the hearing.

As to Respondent's concern that his earlier document request was denied because he failed to comply with Rule 9252, the Hearing Officer notes that he can renew that motion on or before the deadline specified in the pre-hearing schedule—June 23, 2010. Respondent states in his motion that he understands and can meet the requirements of Rule 9252. Accordingly, Respondent has not demonstrated a need to adjust the pre-hearing schedule at this time.

IT IS SO ORDERED.

Andrew H. Perkins
Hearing Officer

Dated: May 21, 2010