

This order has been published by the NASDR Office of the Hearing Officers and should be cited as OHO Order 98-19 (C01970033).

**NASD REGULATION, INC.  
OFFICE OF HEARING OFFICERS**

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DEPARTMENT OF ENFORCEMENT,	:	
	:	
	:	
Complainant,	:	Disciplinary Proceeding
	:	No. C01970033
v.	:	
	:	Hearing Officer - DMF
	:	
	:	
Respondent.	:	

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**ORDER DIRECTING WRITTEN SUBMISSIONS  
IN PLACE OF HEARING**

On December 29, 1997, the Department of Enforcement filed the Complaint in this proceeding, alleging that Respondent violated NASD Rules 2110 and 3040 by purchasing securities on two occasions without providing prior written notification to his employer, member firm \_\_\_\_\_. Respondent's handwritten Answer to the Complaint was filed on January 20, 1998. In it, Respondent expressly waived a hearing.

Because Respondent has waived a hearing, this proceeding will be decided on the written record, as defined in Rule 9267, unless the Hearing Officer or the Hearing Panel orders a hearing.

To further develop that record:

1. On or before March 18, 1998, the Department of Enforcement shall file and serve:
  - (i) a narrative summary of its case; (ii) a statement of the legal theories upon which it relies, supported by relevant citations; and (iii) all evidence, including witness testimony and documents, that Enforcement wishes the Hearing Panel to consider in support of the Complaint. Enforcement's submission should address both liability

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- and sanctions, and should include only such evidence as would be admissible at a hearing under Rule 9263. Enforcement's submission shall be appropriately organized, labeled, indexed, and tabbed for the convenience of the Hearing Panel.
2. On or before April 1, 1998, Respondent may file and serve any opposition or other response to Enforcement's submission, which should include any argument or evidence that Respondent wishes the Hearing Panel to consider in response to the Complaint. Respondent's submission should address both liability and sanctions.
  3. On or before April 8, 1998, Enforcement may file and serve any written submission, including rebuttal argument or evidence, that it wishes the Hearing Panel to consider in response to Respondent's submission.

In addition to the written submissions required by this Order, the Hearing Panel or the Hearing Officer may order a hearing in this matter, or may require the parties to submit additional information, orally or in writing, at any time before the Hearing Panel issues its decision.

**SO ORDERED**

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David M. FitzGerald  
Hearing Officer

Dated: Washington, DC  
February 25, 1998