

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

DEPARTMENT OF ENFORCEMENT,	:	
	:	
Complainant,	:	
	:	Disciplinary Proceeding
v.	:	No. C02990022
	:	
Respondent.	:	Hearing Officer—AHP
	:	
	:	

**ORDER DENYING RESPONDENT’S REQUEST FOR
FINANCIAL ASSISTANCE TO ATTEND HEARING**

On September 15, 1999, _____ (“_____” or “the Respondent”) filed a motion to change the location of the hearing from Los Angeles, California, to Miami or another city on the East Coast of the United States. To clarify the basis of the motion, on September 22, 1999, the Hearing Officer held a pre-hearing conference (“Conference”). The Conference was conducted by telephone conference call. Karol Pollock, Esq. represented the Department of Enforcement, and _____ appeared on his own behalf.

In his motion, _____ requested that the hearing location be moved because it would be “very expensive and time consuming” to travel to Los Angeles. _____ characterized the requirement to attend in Los Angeles as an “unjust financial hardship.” Upon questioning at the Conference, _____ stated that the cost of air travel to New York would be about \$400, and the cost to Los Angeles would be about \$1200. He further represented that he could not afford the trip to Los Angeles. He did, however, concede

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that he could afford to travel to the West Coast if the hearing was delayed by about two weeks. Presumably, the delay would allow him to purchase a ticket at a fare less than his estimate of \$1200.

After considering the argument of both Parties, the Hearing Officer denied the motion. The location of this hearing was set in the Initial Pre-Hearing Order dated June 7, 1999, after the issue had been argued at the Initial Pre-Hearing Conference. Thus, the Respondent had ample time—almost four months—to purchase an advance fare ticket, which he admits he could afford. Any added hardship regarding the cost of travel is therefore the Respondent's fault for waiting to make the necessary reservations to enable him to attend the hearing.

However, the Hearing Officer granted _____ leave to file by the close of business on September 23, 1999, financial information in further support of his motion. The Hearing Officer indicated that he would review any such information submitted by the Respondent and then inform the Parties if it warranted reconsideration of the Hearing Officer's ruling denying the motion.

On September 23, 1999, the Respondent filed a Statement of Net Worth with a cover letter stating that he was requesting financial assistance with the cost of traveling to Los Angeles for the hearing. He also represented that he could obtain a ticket for about \$750 if he acted promptly. The Statement of Net Worth is in summary format, and there is no supporting documentation. Importantly, the Statement of Net Worth reflects that the Respondent has total available cash of only about \$175, which leaves unanswered how the Respondent could afford to travel to the East Coast as he represented he could.

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After careful consideration, the Hearing Officer concludes that the Respondent has failed to demonstrate the degree of financial hardship or prejudice that would warrant either postponing the hearing or providing him “financial assistance.”¹ Accordingly, the Respondent’s request for financial assistance is denied; the hearing will be held as scheduled on October 4, 1999, in Los Angeles.

The Respondent is granted leave, however, to participate in the hearing by telephone if he desires, provided that he filed notice of intent to do so no later than September 29, 1999. If the Respondent intends to participate by telephone, he shall also be responsible for contacting Karol Pollock, counsel for Enforcement, and obtaining the telephone number of the conference room in which the hearing is to be conducted. It shall be the Respondent’s obligation to call in to the hearing at Noon, Pacific Time, on October 4, 1999.

SO ORDERED.

Andrew H. Perkins
Hearing Officer

Dated: Washington, DC
September 27, 1999

¹ The Hearing Officer notes that there are no known cases where the NASD has granted financial assistance to a respondent to enable the respondent to attend a disciplinary hearing, and the Hearing Officer does not here reach the question of whether a respondent could ever demonstrate such a degree of financial hardship or prejudice that would warrant such relief.