

This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 07-10 (C02050006).

NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

Respondent.

Disciplinary Proceeding
No. C02050006

Hearing Officer – DRP

**ORDER REQUIRING COUNSEL TO FILE
NOTICE OF REPRESENTATION OR WITHDRAWAL**

On May 30, 2005, the Hearing Panel granted Enforcement's motion for summary disposition with respect to liability and sanctions. On February 12, 2007, the National Adjudicatory Council (NAC) affirmed the Hearing Panel's findings that Respondent failed to answer certain questions during an on-the-record interview, in violation NASD Procedural Rule 8210 and Conduct Rule 2110, but vacated the bar imposed. The NAC remanded the case for a hearing to determine appropriate sanctions.

On March 1, 2007, the Hearing Officer convened a pre-hearing conference (Conference) with the attorneys of record for Respondent [RG] and Enforcement (Whelan) to schedule a hearing. At the Conference, RG stated that he had not spoken to Respondent since the NAC's decision was issued and did not believe he was authorized to represent him. After considerable discussion, the Hearing Officer ordered RG to file a notice with the Office of Hearing Officers by March 9, 2007, stating whether he was continuing to represent Respondent in this proceeding

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or withdrawing from representation.¹ To date, RG has not complied with the order, and the Hearing Officer has been unable to schedule a hearing in this proceeding.

Accordingly, RG is hereby **ORDERED** to file with the Office of Hearing Officers a Notice of Representation or Notice of Withdrawal from Representation **on or before March 23, 2007**. Pursuant to Procedural Rules 9235 and 9280, a failure to comply with this order will be deemed a Notice of Withdrawal from Representation.

SO ORDERED.

Dana R. Pisanelli
Hearing Officer

Dated: March 16, 2007
 Washington, DC

¹ HEARING OFFICER: Well, [RG], I'm going to give you one week from tomorrow, so that's March 9th, to file something that tells us whether you're continuing or discontinuing your representation. (Pre-Hearing Conference of March 1, 2007 at 18:5-9.)