

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

CANTONE RESEARCH INC.
(CRD No. 26314),

ANTHONY J. CANTONE
(CRD No. 1066139),

and

RAYMOND J. DEROBIO
(CRD No. 1092310),

Respondents.

Disciplinary Proceeding
No. 2017055886402

Hearing Officer–LOM

**ORDER SETTING A PRE-HEARING VIDEOCONFERENCE FOR
FRIDAY, SEPTEMBER 2, 2022, AND SPECIFICALLY REQUIRING
RESPONDENT RAYMOND J. DEROBIO TO ATTEND**

On August 30, 2022, an attorney in the Department of Enforcement sent an email to the Office of Hearing Officers and the attorneys who have been representing the other parties in this proceeding. The email suggests that Christopher P. Flannery, the attorney who has been representing Respondent Raymond J. DeRobbio in this proceeding, may not be qualified currently to do so. According to Enforcement's email, Flannery's Pennsylvania license to practice law has been suspended, effective as of July 22, 2022. Enforcement asserts that Flannery's license to practice law in the State of New York is also currently suspended. It is unclear whether Flannery is licensed in some other state.

FINRA's Rule 9141(b) sets forth the requirements to represent a party in a FINRA disciplinary proceeding. It plainly states that in this forum a person "shall not be represented . . . except as provided in this paragraph." The rule provides that an individual respondent in a FINRA disciplinary proceeding may *either* represent himself *or* be represented by "an attorney at law admitted to practice before the highest court of any state of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States." Someone who is

This order has been published by FINRA's Office Of Hearing Officers and should be cited as OHO Order 22-17 (2017055886402).

not currently licensed to practice law is not authorized to represent an individual party to a FINRA disciplinary proceeding.

FINRA Rule 9142 requires that a person who represents a party but later seeks to withdraw from that representation file a motion to withdraw setting forth good cause and providing contact information for who in the future will act on behalf of the party no longer represented. The Office of Hearing Officers has received no motion to withdraw from Flannery.

As a result, the status of Respondent DeRobbio's representation in this proceeding is unclear. Until I can be assured that he is appropriately represented, I will not rule on the pending motion by Respondents Cantone Research Inc. and Anthony J. Cantone (the "Cantone Respondents") for a continuance of the hearing dates.

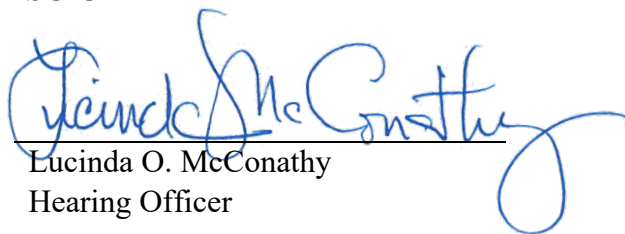
I will conduct a pre-hearing conference by Zoom on **September 2, 2020, at 2:00 p.m. (Eastern Time)** for the purpose of gathering information needed to resolve the issue of DeRobbio's representation. I will not address the motion for continuance.

The parties are **ORDERED** to attend the pre-hearing conference. For the Cantone Respondents, this means that their counsel must attend. Respondent DeRobbio must attend in person, and I will consider that he is representing himself at the conference. Christopher P. Flannery, the attorney who has been representing DeRobbio, must also attend, not as DeRobbio's representative but to answer questions and clarify the facts necessary to understand the situation.

The Case Administrator will send a link and instructions on how to participate in that pre-hearing conference in the email containing this Order. She will send this information to DeRobbio in addition to Flannery, by email and overnight mail. But Flannery is instructed as well to send this Order immediately to the person he has been representing, DeRobbio.

Respondents are cautioned that a failure to appear at the conference when ordered to appear may be deemed a default. If a respondent defaults, the allegations in the Complaint against that respondent will be deemed admitted and true. Based on those admitted facts, a Hearing Officer may issue a default decision holding that respondent liable and assessing sanctions.

SO ORDERED.


Lucinda O. McConathy
Hearing Officer

Dated: August 30, 2022

Copies to:

Raymond J. Derobbio (via email and overnight mail)

Heidi E. VonderHeide, Esq. (via email)

Alan Wolper, Esq. (via email)

Christopher P. Flannery, PC. (via email)

Brody Weichbrodt, Esq. (via email)

Noel C. Downey, Esq. (via email)

Kevin Hartzell, Esq. (via email)

Mark Fernandez, Esq. (via email)

Jennifer L. Crawford, Esq. (via email)