

This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 02-07 (C01010017).

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

DEPARTMENT OF ENFORCEMENT,	:	
	:	
	:	
Complainant,	:	Disciplinary Proceeding
	:	No. C01010017
v.	:	
	:	Hearing Officer - AWH
	:	
	:	
	:	
Respondent.	:	

ORDER PURSUANT TO CONDUCT RULE 9143

On Friday, April 26, 2002, one day after the hearing in this proceeding, Respondent _____ telephoned _____, a member of the Hearing Panel. Mr. ___ told Respondent that it was totally inappropriate for him to be calling a Hearing Panelist. Respondent stated that he had only a general question, to wit, whether Mr. ___ thought anyone in the securities industry would hire a broker with a sanction on his record. Mr. ___ responded that he knew of working brokers with sanctions, but that he should not be talking to Respondent. At the hearing, Respondent was represented by counsel. Counsel for Respondent, however, was not involved in the telephone conversation with Mr. ___.

Conduct Rule 9143 prohibits ex parte communications with an Adjudicator. Although Respondent characterized his question as "general," it could be construed as having relevance to the issue of sanctions in this case. Accordingly, the Hearing Panel believes that, pursuant to Conduct Rule 9143(c), and the interests of justice, Respondent should show cause, by May 16, 2002, why his interest in this proceeding should not be

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adversely affected by reason of his communication with Mr. _____. Counsel for the Department of Enforcement shall have until May 23, 2002, to file any response to Respondent's submission.

SO ORDERED.

Alan W. Heifetz
Hearing Officer

Dated: Washington, DC
April 29, 2002