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NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT, Complainant, v. Respondent.	Disciplinary Proceeding No. E9B2003033501 Hearing Officer—Andrew H. Perkins
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**ORDER GRANTING RESPONDENT'S MOTION FOR
ISSUANCE OF RULE 8210 REQUESTS FOR INFORMATION**

Respondent is charged with excessive and unsuitable trading activity in [a Customer's] securities accounts at [Firm], in violation of NASD Conduct Rules 2120, 2110, NASD IM–2310–2, Section 10(b) of the Securities Exchange Act of 1934, and Exchange Act Rule 10b-5. The Department of Enforcement (“Enforcement”) contends that the Firm's new account documentation incorrectly reflects that the Customer had investment experience with option accounts. Respondent contends, on the other hand, that the Customer represented that he had maintained commodities accounts at other firms and therefore was familiar generally with options and margin trading. Accordingly, Respondent seeks production of records from four clearing firms to confirm the existence of the Customer's commodities accounts. To procure those records, Respondent moves pursuant to Procedural Rule 9252 for the Hearing Officer to issue Procedural Rule 8210 requests for information to four clearing firms.

Enforcement opposes Respondent's motion on the grounds that the request is overly broad, excessive, and unduly burdensome, and that it seeks the production of irrelevant and immaterial information.

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The Hearing Officer overrules Enforcement's objections. In this case, Enforcement contends that the Continental new account documentation is false. To prove this contention, Enforcement intends to call the Customer to testify that his investment objective was conservative, not speculative, that his financial information is inflated, and that he had no prior experience with options. On the other hand, Respondent claims that the information on the Firm's new account documentation accurately reflects the Customer's situation and experience.

Under these circumstances, the Hearing Officer finds that issuance of requests for information for new account information concerning any commodities accounts the Customer maintained at other firms is reasonable. Accordingly, the Office of Hearing Officers will issue the attached Requests for Information to _____, _____, _____, and _____.

The Hearing Officer denied the request for all associated account statements. The request for account statements is excessive in scope. *See* Rule 9252(b).

Respondent shall immediately provide Enforcement with a copy of any documents received pursuant to these Requests for Information.

IT IS SO ORDERED.

Andrew H. Perkins
Hearing Officer

February 9, 2006