

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

JAMES LUKEZIC  
(CRD No. 4284800),

Respondent.

Disciplinary Proceeding  
No. 2022073425001

Hearing Officer—MPD

**ORDER GRANTING ENFORCEMENT'S MOTION TO PERMIT  
TESTIMONY BY VIDEOCONFERENCE OR TELEPHONE**

The hearing in this disciplinary proceeding is scheduled to be held from October 6–10, 2025, in New York City. On September 15, 2025, the Department of Enforcement filed a motion to permit two of its witnesses, [REDACTED] and Rose Jentz, to testify by videoconference or telephone (“Motion”). Respondent opposes the Motion only as to Jentz (“Opposition”).

A. [REDACTED]

In support of its Motion, Enforcement states that [REDACTED] is a customer witness who resides in Minneapolis, Minnesota.<sup>1</sup> Although he is not subject to FINRA’s jurisdiction, [REDACTED] is willing to testify by Zoom videoconference or telephone.<sup>2</sup> Enforcement represents that traveling from Minnesota to New York for the hearing would be a “hardship” for [REDACTED] because he would have to miss work and potentially lose income.<sup>3</sup> According to Enforcement, [REDACTED] direct testimony “will be brief, likely lasting less than an hour.”<sup>4</sup>

Videoconference or telephone testimony is regularly used in FINRA proceedings, particularly when the witness is a customer who is not subject to FINRA’s jurisdiction.<sup>5</sup>

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<sup>1</sup> Motion, at 2.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See, e.g., *Dep’t of Enforcement v. Tucker*, No. 2009016764901, 2013 FINRA Discip. LEXIS 45, at \*18 (NAC Dec. 31, 2013) (“[T]elephone testimony is not uncommon in FINRA proceedings, and the Commission has repeatedly upheld FINRA’s reliance on telephone testimony in reaching its decisions.”), *appeal dismissed*, Exchange Act Release No. 71972, 2014 SEC LEXIS 1370 (Apr. 18, 2014); OHO Order 23-16 (2021070337501) (May 26, 2023),

Consistent with this precedent, I find it appropriate to permit ██████ to testify by videoconference or telephone. Accordingly, I **GRANT** Enforcement’s Motion as to ██████.

**B. Jentz**

Unlike ██████, Jentz is currently registered with FINRA as the Vice President, Compliance, for the member firm that distributed the mutual funds that are at issue in this disciplinary proceeding.<sup>6</sup> She will testify regarding, among other things, her firm’s investigation into the mutual fund exchanges that Enforcement alleges were unauthorized.<sup>7</sup> Enforcement anticipates her direct testimony will “last only a few hours on one day.”<sup>8</sup>

Although Jentz is subject to FINRA’s jurisdiction and may be compelled to testify in person, Enforcement requests leave to permit her to testify by videoconference or telephone because she resides in San Antonio, Texas.<sup>9</sup> Enforcement represents that traveling the long distance to New York City for the hearing would be an “economic and personal hardship” because Jentz would miss two days of work and potentially lose income.<sup>10</sup>

Respondent opposes Enforcement’s motion on the ground that he expects Jentz to be a “critical” witness for him.<sup>11</sup> He anticipates his cross-examination of Jentz will be “quite lengthy” and will “include the introduction of several exhibits.”<sup>12</sup> He seeks to elicit on cross-examination what he believes were “significant flaws” in the investigation that was conducted by Jentz’s firm as well as the allegedly “selective production” of materials that the firm made to FINRA during FINRA’s subsequent investigation into the same conduct.<sup>13</sup>

As Respondent acknowledges,<sup>14</sup> videoconference or telephone testimony is accepted in FINRA disciplinary proceedings and has been upheld by the Securities and Exchange Commission, including in cases involving witnesses who are subject to FINRA’s jurisdiction and

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at 5 (granting Enforcement’s motion for leave to permit customer testimony by telephone or videoconference), [https://www.finra.org/sites/default/files/2023-09/oho\\_order\\_23-16\\_2021070337501\\_venturino.pdf](https://www.finra.org/sites/default/files/2023-09/oho_order_23-16_2021070337501_venturino.pdf).

<sup>6</sup> Motion, at 2.

<sup>7</sup> *Id.* at 3; *see also* Enforcement’s Witness List, at 2.

<sup>8</sup> Motion, at 4.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 3.

<sup>11</sup> Opposition, at 2. Respondent has not designated Jentz as a witness on his witness list. However, Respondent has designated as witnesses three other individuals who also work in Compliance at the same firm as Jentz. Respondent has requested that one of those witnesses, who, like Jentz, is located in Texas, be permitted to testify by videoconference because of the “hardship” involved in traveling to New York City for the hearing. Respondent’s Motion in Limine to Allow Respondent’s Witnesses to Testify by Videoconference, at 2.

<sup>12</sup> Opposition, at 3.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 4.

whose testimony may, therefore, be compelled.<sup>15</sup> Video or telephone testimony “is particularly appropriate in instances where . . . it would be burdensome for the witness to travel thousands of miles to the location of the hearing.”<sup>16</sup> Permitting witness testimony by videoconference or telephone “does not deprive a party of the opportunity for a fair proceeding so long as the party has an opportunity to cross examine the witness.”<sup>17</sup>

Although Respondent claims that permitting Jentz to testify by videoconference or telephone “would significantly impede” his cross-examination,<sup>18</sup> he fails to explain how. Respondent will have a full and fair opportunity to question Jentz even if she testifies by videoconference or telephone. And because the parties will be displaying their exhibits electronically at the hearing or otherwise will be making copies available to the Panel—regardless of whether the witnesses testify remotely or in person—the Panel should be able to easily follow along to the extent that Respondent intends to cross-examine Jentz about any documents.

Rather, Respondent’s principal concern seems to be that he will lose the element of surprise if he is required to provide both Enforcement and Jentz with the exhibits that he plans to use on cross-examination in advance of her testimony.<sup>19</sup> However, the parties already exchanged all of their proposed exhibits as part of their prehearing submissions. And, as is explained below, Enforcement will be required to instruct Jentz not to look at any of the exhibits relating to her testimony until she enters the virtual hearing room and is ready to testify.

In sum, given the hardship to Jentz in being required to travel to New York City for the hearing, and finding no prejudice to Respondent, I **GRANT** Enforcement’s Motion with respect to Jentz.<sup>20</sup>

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<sup>15</sup> See *Daniel Alderman*, Exchange Act Release No. 35997, 1995 SEC LEXIS 1823, at \*4 n.6 (July 20, 1995); OHO Order 24-21 (2019064333401) (July 1, 2024), at 1–2, [https://www.finra.org/sites/default/files/2024-12/24-21\\_Blankenship\\_20240701.pdf](https://www.finra.org/sites/default/files/2024-12/24-21_Blankenship_20240701.pdf); OHO Order 02-06 (CAF000027) (Apr. 23, 2002), at 2–3, [https://www.finra.org/sites/default/files/OHODecision/p007791\\_0\\_0.pdf](https://www.finra.org/sites/default/files/OHODecision/p007791_0_0.pdf).

<sup>16</sup> *Dep’t of Enforcement v. Brigandi*, No. C10040025, 2007 NASD Discip. LEXIS 3, at \*24 n.20 (NAC Jan. 17, 2007).

<sup>17</sup> OHO 23-16, at 3.

<sup>18</sup> Opposition, at 4.

<sup>19</sup> See *id.* (“requiring Respondent to identify to Complainant and the witness all of the exhibits he intends to show Jentz in advance, and even providing the adverse witness the actual exhibits in advance, significantly reduces the effectiveness of Respondent’s cross-examination”).

<sup>20</sup> The Hearing Panel would prefer that both [REDACTED] and Jentz testify by videoconference. However, if technical problems make videoconference testimony impossible, the Panel will accept telephone testimony instead.

**C. Protocols for Video or Telephone Testimony**

Enforcement's right to present [REDACTED] and Jentz's testimony by videoconference or telephone is subject to the following conditions:

1. By **September 29, 2025**, Enforcement shall file a notarized affidavit signed by Jentz stating that her testimony at the hearing will be truthful.
2. By **September 29, 2025**, Enforcement shall file a declaration signed by [REDACTED] stating that his testimony at the hearing will be truthful.
3. Enforcement shall ensure that each witness has, at the time he or she is called to testify, copies of all exhibits that relate to his or her direct testimony and any exhibits that Respondent requests be made available for possible use on cross-examination, rebuttal, and impeachment.
4. Enforcement shall instruct each witness **not** to open the package containing the exhibits until he or she enters the virtual hearing room and is ready to testify. At that time, he or she will be directed to open the package.
5. Enforcement must ensure that each witness is available during a block of time when it is reasonable to expect that he or she will be called to testify, so that the hearing is not disrupted if the testimony of a prior witness is longer or shorter than anticipated.

**SO ORDERED.**

  
Megan P. Davis  
Hearing Officer

Dated: September 25, 2025

Copies to:

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