

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

SHADI T. BARAKAT  
(CRD No. 5031281),

Respondent.

Disciplinary Proceeding  
No. 2018056490315

Hearing Officer–BDC

**ORDER DENYING RESPONDENT’S MOTION TO CONDUCT THE HEARING IN  
PART BY VIDEOCONFERENCE**

**I. Background**

On September 9, 2024, the Department of Enforcement filed a one-cause Complaint against Respondent alleging that he failed to provide on-the-record (“OTR”) testimony requested pursuant to FINRA Rule 8210 in connection with an investigation of Respondent. In the accompanying Notice of Complaint, Enforcement proposed the New York Region as the Primary Regional Committee and New York as the hearing location based on the location of Respondent’s office at the time of the alleged misconduct. On January 9, 2025, Respondent filed an Answer denying the allegations in the Complaint and requesting a hearing.

During the initial pre-hearing conference on January 29, 2025, the Hearing Officer discussed with the parties potential hearing dates. Respondent inquired, at that time, about having the hearing by videoconference, but the Hearing Officer advised Respondent that FINRA disciplinary hearings generally occur in person. However, as an accommodation to Respondent, the parties and the Hearing Officer agreed to having the hearing in Florida, where Respondent currently resides, instead of New York.

Following the initial pre-hearing conference, the Hearing Officer issued the Case Management and Scheduling Order, which scheduled the hearing for August 26, 2025, in Boca Raton, Florida. During a pre-hearing conference on July 25, 2025, Respondent moved for a continuance of the hearing date. The Hearing Officer granted the motion on August 4, 2025, and he rescheduled the hearing for September 18, 2025. On September 3, 2025, the Hearing Officer

granted Respondent's renewed motion for a continuance and rescheduled the hearing for February 10, 2026, in Boca Raton, Florida.<sup>1</sup>

On January 21, 2026, the Hearing Officer conducted a case management conference to discuss, among other things, the pre-hearing schedule and remaining deadlines.<sup>2</sup> During the conference, the Hearing Officer reminded the parties that the hearing would take place on February 10 in Boca Raton. Respondent did not mention at that time that he would not appear in person.

The Hearing Officer held the final pre-hearing conference in this matter on February 3, 2026. During the conference, Respondent stated, for the first time, that he would not appear in person at the hearing. Rather, he stated he intended to participate in the hearing by videoconference. The Hearing Officer informed Respondent that he needed to file a motion to participate in the hearing by videoconference. Respondent stated he would not file a written motion, so the Hearing Officer treated Respondent's request as an oral motion to conduct the hearing, in part, by videoconference ("Respondent's Motion").

During the February 3, 2026, conference, Respondent provided the Hearing Officer with vague reasons for his not appearing in person at the hearing. He first stated he had a conflict but offered no details as to the nature of the conflict. He then stated he injured his leg but did not explain how that prevented him from appearing in person at the hearing. He also stated he did not want to drive an hour and a half from Miami to Boca Raton to attend the hearing.

Enforcement objected to Respondent's Motion, arguing that it would be prejudicial to Enforcement to permit Respondent to participate by videoconference as it would be difficult for the Hearing Panel to assess Respondent's credibility if he is not in the hearing room. Enforcement also argued that it intends to present exhibits in hard copy and that it would be a challenge to do so if Respondent is not present in person at the hearing.

## **II. Discussion**

FINRA Rule 9261(b) states that "[i]f a hearing is held, a Party shall be entitled to be heard in person, by counsel, or by the [p]arty's representative." It also states that "[u]pon a determination that proceeding in person may endanger the health or safety of the participants or would be impracticable, or upon consideration of a joint motion of the [p]arties for good cause shown," the Chief Hearing Officer or Deputy Chief Hearing Officer may, "in the exercise of reasonable discretion, order the hearing to be conducted, in whole or in part," by videoconference. In this case, the parties have not filed a joint motion. Accordingly, the only

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<sup>1</sup> On August 7, 2025, Respondent emailed the Office of Hearing Officers and Enforcement requesting a second continuance due to a medical issue, but he failed to show good cause for the continuance and the Hearing Officer denied the motion on August 14. That same day, Respondent renewed his motion for a continuance and provided supporting documentation from his treating physician to demonstrate good cause for the continuance. Thereafter, the Hearing Officer granted the continuance request on September 3, 2025.

<sup>2</sup> The Hearing Officer attempted to conduct the case management conference on January 12 and again on January 20, 2026, but Respondent failed to appear at either conference.

basis for allowing this hearing to proceed, in part, by videoconference is upon a showing that Respondent's appearing in person "may endanger the health or safety of the participants or would be impracticable."

Respondent requested the hearing in this matter when he filed his Answer. As an accommodation to Respondent, the parties and the Hearing Officer agreed during the initial pre-hearing conference to conduct the hearing in Florida rather than New York, the location initially proposed by Enforcement based on the location of Respondent's office at the time of the misconduct. Respondent has provided no evidence that his appearance in person at the hearing would endanger the health and safety of the participants. Nor has he shown that appearing in person would be impracticable. Based on the representations he made to the Hearing Officer during the final pre-hearing conference, it appears Respondent simply does not want to be inconvenienced by having to drive from his home in Miami to Boca Raton for the hearing. This is not a sufficient reason for me to order that this hearing proceed, in part, by videoconference.

### **III. Order**

Accordingly, I **DENY** Respondent's Motion. As previously scheduled, this hearing will proceed in person on February 10, 2026, in Boca Raton, Florida.

**SO ORDERED.**



Carla Carloni

Deputy Chief Hearing Officer

Dated: February 4, 2026

Copies to:

Shadi Taysir Barakat, Respondent (via email)  
Adam Balin, Esq., FINRA Enforcement (via email)  
Mark Fernandez, Esq., FINRA Enforcement (via email)  
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