

**INFORMATIONAL**

## **NAC Nominations**

**NASD Announces  
Nomination Procedures  
For Regional Industry  
Member Vacancies  
On The National  
Adjudicatory Council;  
Nomination Deadline:  
September 14, 2001**

**SUGGESTED ROUTING**

*The Suggested Routing function is meant to aid the reader of this document. Each NASD member firm should consider the appropriate distribution in the context of its own organizational structure.*

- Legal & Compliance
- Senior Management

**KEY TOPICS**

- National Adjudicatory Council

### **Executive Summary**

The purpose of this *Special Notice to Members* is to advise members of the nomination procedures to fill two upcoming vacancies on the National Adjudicatory Council (NAC). The two-year terms of NAC regional Industry members from the West Region and the New York Region expire in January 2002. The current regional Industry members from these regions are eligible to serve another two-year term.

Exhibit I contains a list of NAC regional Industry members whose terms expire in January 2002. Exhibit II contains a list of all NAC members. The procedures to fill the NAC regional Industry vacancies are outlined in Exhibit III. Also, a Candidate Profile Sheet is included in Exhibit IV.

### **Nomination Process**

Members are encouraged to submit nominations for the upcoming NAC vacancies. To nominate a candidate, members should submit a cover letter and the Candidate Profile Sheet (Exhibit IV) to the appropriate Regional Nominating Committee Chair, the NASD Regulation District Director, or National Association of Securities Dealers, Inc. (NASD®) Corporate Secretary (listed in Exhibit I) by **September 14, 2001**.

The completed Candidate Profile Sheets will be provided to all Regional Nominating Committee members for review. On or about **October 3, 2001**, the Regional Nominating Committees will provide NASD members with written notice of NAC candidates the Committee proposes for nomination to the National Nominating Committee. Pursuant to Article V, Section 5.3(a) of the NASD Regulation By-Laws, the NASD National Nominating Committee shall nominate all

candidates for the NAC for subsequent appointment by the Board.

### **Questions/Further Information**

Questions concerning this *Special Notice to Members* may be directed to the District Directors listed in Exhibit I or to Barbara Z. Sweeney, Senior Vice President and Corporate Secretary, NASD, at (202) 728-8062 or via e-mail at: [barbara.sweeney@nasd.com](mailto:barbara.sweeney@nasd.com).

### **National Adjudicatory Council Membership And Function**

#### **Membership**

The NAC consists of 14 members—seven Industry members and seven Non-Industry members. Exhibit II contains a list of all current NAC members. Two Industry members are appointed by the NASD Regulation Board of Directors as at-large members. Five Industry members each represent one of the following geographic regions:

**West Region:** Hawaii, California, Nevada, Arizona, Colorado, New Mexico, Utah, Wyoming, Alaska, Idaho, Montana, Oregon, and Washington.

**South Region:** Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee, Texas, Florida, Georgia, North Carolina, South Carolina, Puerto Rico, Virginia, Canal Zone, and the Virgin Islands.

**Central Region:** Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Illinois, Indiana, Michigan, Western New York state, and Wisconsin.

**North Region:** Delaware, Maryland, Pennsylvania, West

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## Special NASD Notice to Members 01-57

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Virginia, District of Columbia, New Jersey, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and New York (except for New York City, Long Island, and Western New York state).

**New York:** New York City and Long Island.

We are seeking nominations for the West and New York Regions.

### ***Function***

According to the NASD By-Laws, the NAC is authorized to act for the NASD Board of Governors in matters concerning:

- appeals or reviews of disciplinary proceedings, statutory disqualification proceedings, or membership proceedings;
- the review of offers of settlement; letters of acceptance, waiver, and consent; and minor rule violation plan letters;
- the exercise of exemptive authority; and
- other proceedings or actions authorized by the Rules of the Association.

The NAC also considers and makes recommendations to the Board on enforcement policy and rule changes relating to the business and sales practices of NASD members and associated persons.

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## Special NASD Notice to Members 01-57

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### EXHIBIT I

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#### NAC Industry Members With Terms Expiring In January 2002

##### West Region (Districts 1, 2, and 3)

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**NAC Incumbent: Anthony B. Petrelli**

If you are interested in nominating yourself or a colleague to represent the West Region for a two-year term on the NAC, please submit a cover letter and a completed Candidate Profile Sheet (Exhibit IV) to any of the following individuals by **September 14, 2001**.

**Dean A. Holmes**

Regional Nominating Committee Chair  
American General Financial Group  
222 S. Harbor Boulevard, Suite 100  
Anaheim, CA 92805  
(714) 817-8121

**Elisabeth P. Owens**

District 1 Director, NASD Regulation, Inc.  
525 Market Street, Suite 300  
San Francisco, CA 94105-2711  
(415) 882-1200

**Lani M. Sen Woltmann**

District 2 Director, NASD Regulation, Inc.  
300 South Grand Avenue, Suite 1600  
Los Angeles, CA 90071  
(213) 627-2122

**Frank Birgfeld**

District 3 Director, NASD Regulation, Inc.  
Republic Office Building  
370 17th Street, Suite 2900  
Denver, CO 80202-5629  
(303) 446-3100

**James G. Dawson**

District 3 Director, NASD Regulation, Inc.  
Two Union Square  
601 Union Street, Suite 1616  
Seattle, WA 98101-2327  
(206) 624-0790

**Barbara Z. Sweeney**

Senior Vice President and Corporate Secretary  
National Association of Securities Dealers, Inc.  
1735 K Street NW  
Washington, D.C. 20006  
(202) 728-8062

##### New York Region (District 10)

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**NAC Incumbent: Joan Caridi**

If you are interested in nominating yourself or a colleague to represent the New York Region for a two-year term on the NAC, please submit a cover letter and a completed Candidate Profile Sheet (Exhibit IV) to any of the following individuals by **September 14, 2001**.

**John Iachello**

Regional Nominating Committee Chair  
ABN AMRO Securities LLC  
55 East 52nd Street  
New York, NY 10055  
(212) 409-7199

**Robert B. Kaplan**

District 10 Deputy Director, NASD Regulation, Inc.  
One Liberty Plaza  
New York, NY 10006  
(212) 858-4487

**Joseph M. McCarthy**

District 10 Deputy Director, NASD Regulation, Inc.  
One Liberty Plaza  
New York, NY 10006  
(212) 858-4265

**Barbara Z. Sweeney**

Senior Vice President and Corporate Secretary  
National Association of Securities Dealers, Inc.  
1735 K Street NW  
Washington, D.C. 20006  
(202) 728-8062

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**Special NASD Notice to Members 01-57**

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**EXHIBIT II**

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**2001 National Adjudicatory Council**

<b>Mary E.T. Beach</b>	Attorney
<b>Robert J. Birnbaum</b>	Attorney
<b>Herbert H. Brown</b>	Attorney
<b>Joan Caridi</b>	CS First Boston
<b>David A. DeMuro</b>	Lehman Brothers, Inc.
<b>Alice T. Kane</b>	American General
<b>Roberta S. Karmel</b>	Kelley Drye & Warren LLP
<b>Douglas L. Kelly</b>	A.G. Edwards & Son, Inc.
<b>Mark D. Madoff</b>	Bernard L. Madoff Investment Securities
<b>Anthony B. Petrelli</b>	Neidiger, Tucker, Bruner, Inc.
<b>Mark A. Sargent</b>	Villanova University School of Law
<b>Theodore W. Urban</b>	Ferris Baker Watts, Inc.
<b>Barbara L. Weaver</b>	Legg Mason Wood Walker, Inc.
<b>Elliott J. Weiss</b>	Charles E. Ares Professor of Law, The University of Arizona

**EXHIBIT III**

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## National Adjudicatory Council Nomination Procedures

1. NASD Regulation maintains Regional Nominating Committees in the manner specified in Article VI of the By-Laws of NASD Regulation, Inc.
2. Members located in the West Region and New York are hereby notified of the upcoming election of members to the National Adjudicatory Council and are encouraged to submit names of potential candidates to their respective Chair of the Regional Nominating Committee, District Director or to NASD Corporate Secretary Barbara Z. Sweeney (see Exhibit I) by **September 14, 2001**.
3. Nominees will be asked to complete a Candidate Profile Sheet which will be reviewed by the Regional Nominating Committee.
4. The Regional Nominating Committee shall review the background of the candidates and the description of the NASD membership provided by NASD Regulation staff and shall propose one or more candidates for nomination to the National Nominating Committee. In proposing a candidate for nomination, the Regional Nominating Committee shall endeavor to secure appropriate and fair representation of the region.
5. On or about **October 3, 2001**, the Regional Nominating Committee shall notify in writing the Executive Representatives and branch offices of the NASD members in the region the name of the candidate it will propose to the National Nominating Committee for nomination to the National Adjudicatory Council.
6. If an officer, director, or employee of an NASD member in the region is not proposed for nomination by the Regional Nominating Committee and wants to seek the nomination, he or she shall send a written notice to the Regional Nominating Committee Chair or the Secretary of NASD Regulation within 14 calendar days after the mailing date of the Regional Nominating Committee's notice (#5 above) and proceed in accordance with the Contested Nomination Procedures found in Article VI of the NASDR By-Laws.
7. If no additional candidate comes forward within 14 calendar days, the Regional Nominating Committees shall certify their candidates to the National Nominating Committee.

Additional information pertaining to the National Adjudicatory Council Election Procedures can be found in Article VI of the By-Laws of NASD Regulation. The By-Laws can be found in the online *NASD Manual* at [www.nasdr.com](http://www.nasdr.com).

# Candidate Profile Sheet

## Current Employment

Name: \_\_\_\_\_ CRD#: \_\_\_\_\_

Firm: \_\_\_\_\_ #RRs at Firm: \_\_\_\_\_

Title/Primary Responsibility: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

## Prior Employment *(List the most recent first. Feel free to include extra pages if necessary.)*

Firm: \_\_\_\_\_

Title/Primary Responsibility: \_\_\_\_\_

Firm: \_\_\_\_\_

Title/Primary Responsibility: \_\_\_\_\_

### General Areas of Expertise *(please check all that apply)*

- |  |  |
|--|--|
| <input type="checkbox"/> Compliance/Legal      | <input type="checkbox"/> Investment Advisory   |
| <input type="checkbox"/> Corporate Finance     | <input type="checkbox"/> Retail Sales          |
| <input type="checkbox"/> Financial/Operational | <input type="checkbox"/> Trading/Market Making |
| <input type="checkbox"/> Institutional Sales   | <input type="checkbox"/> Other: _____          |
|  | _____  |

### Product Expertise *(please check all that apply)*

- |  |  |
|--|--|
| <input type="checkbox"/> Corporate Bonds                 | <input type="checkbox"/> Investment Company            |
| <input type="checkbox"/> Direct Participation Programs   | <input type="checkbox"/> Options                       |
| <input type="checkbox"/> Equity Securities               | <input type="checkbox"/> Variable Contracts Securities |
| <input type="checkbox"/> Municipal/Government Securities | <input type="checkbox"/> Other: _____                  |
|  | _____  |

## Memberships/Positions Held in Trade or Business Organizations

\_\_\_\_\_  
 \_\_\_\_\_

## Past NASD Experience and Dates of Service *(please check all that apply)*

- |   |                      |
|---|----------------------|
| <input type="checkbox"/> Committee Member (Identify committee: _____ )                  | Approx. Dates: _____ |
| <input type="checkbox"/> Arbitrator: _____  | Approx. Dates: _____ |
| <input type="checkbox"/> Mediator: _____  | Approx. Dates: _____ |
| <input type="checkbox"/> Expert Witness (arbitrations; disciplinary proceedings): _____ | Approx. Dates: _____ |
| <input type="checkbox"/> Other: _____   | Approx. Dates: _____ |

## Educational Background

School: \_\_\_\_\_ Degree: \_\_\_\_\_

School: \_\_\_\_\_ Degree: \_\_\_\_\_

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