

This Order has been published by the NASDR Office of Hearing Officers and should be cited as OHO Order 02-04 (EQS010002).

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

DIRECTOR, DISTRICT 7	:	
	:	
Complainant,	:	Rule 9540 Eligibility and Qualification Proceeding
	:	
v.	:	No. EQS010002
	:	
	:	Hearing Officer - JN
	:	
Respondent.	:	
	:	

ORDER GRANTING COMPLAINANT'S MOTION TO DISMISS

By Motion filed on January 22, 2002 the Complainant seeks dismissal of this proceeding without prejudice, reasoning that Respondent has effectively abandoned its hearing request. As the Motion points out, the firm failed to produce documentation requested by the staff in connection with review of _____ plans to resume the securities business; the firm subsequently filed a Form BDW with the Securities and Exchange Commission; and Respondent failed to participate in a pre-hearing conference. Moreover, the Firm's reply to the Motion to Dismiss was due on February 5, 2002, and the Office of Hearing Officers has received no reply. Under Rule 9146(d), a party failing to respond to a motion within the allotted time, "shall be deemed to have waived any objection to the granting of the motion."

The Hearing Officer agrees with Complainant that in the circumstances of this case, it is appropriate to treat Respondent's request for a hearing as abandoned.

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Accordingly, this proceeding is hereby dismissed without prejudice.

SO ORDERED.

Jerome Nelson
Hearing Officer

Dated: Washington, DC
 February 8, 2002