

This Order has been published by the NASDR Office of Hearing Officers and should be cited as OHO Order 99-15 (CAF980002).

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

DEPARTMENT OF ENFORCEMENT,	:	
	:	
Complainant,	:	Disciplinary Proceeding
	:	No. CAF980002
	:	
v.	:	
	:	
	:	Hearing Officer - DMF
	:	
	:	
Respondents.	:	

**ORDER REGARDING COURT REPORTING SERVICES
FOR THE HEARING**

At the final pre-hearing conference on September 3, 1999, the _____ Respondents requested that the Hearing Officer permit “real time” and videotape reporting of the hearing, and offered to pay the incremental cost of these services, over and above the normal court reporting costs incurred by the Association. On September 10, 1999, Enforcement filed an opposition to respondents’ request to videotape, but did not address their request for real time reporting.

For essentially the reasons argued by Enforcement, the Hearing Officer will deny the request to videotape the hearing. Videotaping is not expressly authorized by the Code of Procedure; it might delay or disrupt the hearing, and might intimidate or otherwise affect witnesses; and it would offer little, if any, benefit to the Hearing Panel. The Hearing Officer will, however, allow real time reporting, but the Hearing Officer will retain discretion to halt or limit its use if the Hearing Officer determines at any point during the hearing that the real time reporting is interfering with the conduct of the hearing.

In order to obtain real time services, the _____ Respondents should directly contact the court reporting firm for this hearing, which is _____, in care of

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_____, Scheduling Manager, at _____. The _____ Respondents shall arrange with the court reporting firm to pay directly the incremental costs associated with real time reporting. If Enforcement wishes to obtain real time reporting, it may do so by contacting the reporting firm.

SO ORDERED

David M. FitzGerald
Hearing Officer

Dated: Washington, DC
September 21, 1999