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**NASD
OFFICE OF HEARING OFFICERS**

Department of Enforcement,

Complainant,

v.

Bryan C. Terra
CRD No. 4717215

Respondent.

Disciplinary Proceeding
No. 2005000870801

Hearing Officer:

COMPLAINT

Upon information and belief, Complainant alleges as follows:

1. Respondent Bryan C. Terra was registered as an investment company and variable contracts products representative with NASD member Banc One Securities Corporation ("BOSC") from January 20, 2004 until March 4, 2005. His employment end date with BOSC was February 17, 2005. Terra is not currently employed by an NASD member. NASD retains jurisdiction over Terra pursuant to Article V, Section 4 of NASD Bylaws.

**FIRST CAUSE OF COMPLAINT
Conversion of Funds
NASD Conduct Rule 2110**

2. During the relevant time period, Respondent Terra was employed by BankOne, N.A. as a personal banker, in addition to being registered with NASD member BOSC as an investment company and variable contracts products representative.
3. In or about August 2004, Respondent Terra, in his capacity as a personal banker with BankOne, came into possession of a \$650 check received by the bank for deposit to an unspecified customer's bank account.
4. On or about August 21, 2004, Respondent Terra converted the funds by depositing the \$650 check into his personal bank account.

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5. The conversion of funds by Respondent Terra constitutes a violation of NASD Conduct Rule 2110 by Terra.

SECOND CAUSE OF COMPLAINT
Failure to Respond to Information Requests
NASD Procedural Rule 8210; NASD Conduct Rule 2110

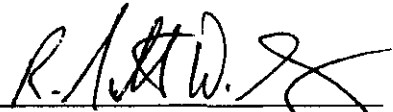
6. By letter dated April 29, 2005, sent via first class mail to Respondent Terra's CRD residential address at [REDACTED] the staff requested Terra, pursuant to Rule 8210, to provide certain specified information by May 13, 2005, relating to the subject matter of the First Cause of Complaint. The mailing was not returned by the Postal Service.
7. No response having been received, by letter dated May 16, 2005, sent via first class and certified mail to Respondent Terra's CRD residential address, the staff again requested, pursuant to Rule 8210, that Terra provide the same information requested in the April 29 letter, this time by May 31, 2005. The certified mailing was returned by the Postal Service, marked "Unclaimed"; the first class mailing was not returned.
8. To date, Respondent Terra has not responded to the Rule 8210 requests.
9. Respondent Terra's failure to respond to the staff's Rule 8210 information requests constitutes separate and distinct violations of NASD Procedural Rule 8210 and NASD Conduct Rule 2110 by Respondent Terra.

PRAYER FOR RELIEF

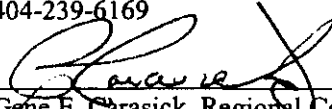
WHEREFORE, Complainant respectfully requests:

- A. Findings of fact and conclusions of law that Respondent Terra committed the violations charged and alleged herein;
- B. An order imposing sanctions upon the Respondent in accordance with NASD Rule 8310.
- C. An order imposing such costs of any proceeding as are deemed fair and appropriate under the circumstances in accordance with NASD Rule 8330; and

D. An order imposing any other fitting sanction.



R. Scott DeArmey, Associate Director
NASD District 7
One Securities Centre, Suite 500
3490 Piedmont Road, N.E.
Atlanta, GA 30305
404-239-6169



Gene E. Carasick, Regional Counsel
NASD Department of Enforcement
One Securities Centre, Suite 500
3490 Piedmont Road, N.E.
Atlanta, GA 30305
404-239-6125

Rory C. Flynn,
NASD Department of Enforcement
1801 K Street, N.W., Suite 800
Washington, D.C. 20006
(202) 974-2874

Andrew A. Favret, Regional Chief Counsel
NASD Department of Enforcement
1100 Poydras Street
Energy Centre, Suite 850
New Orleans, LA 70163
(504) 412-2404