

**NASD  
OFFICE OF HEARING OFFICERS**

**DEPARTMENT OF ENFORCEMENT,**

**COMPLAINANT,**

**v.**

**JONATHAN D. POLAND,**  
General Securities Representative  
(CRD No. 4456200),

**RESPONDENT.**

**DISCIPLINARY PROCEEDING  
No. 2005000895501**

**COMPLAINT**

The Department of Enforcement alleges:

- 1 Jonathan D. Poland entered the securities industry on January 9, 2002 as a General Securities Representative of LH Ross & Company, Inc., a former member of NASD. Jonathan D. Poland, during all periods mentioned herein, was associated with member firm LaSalle Street Securities, L.L.C., and was registered with NASD under Article V of the By-Laws as a General Securities Representative. Poland is not currently associated with a member firm. Although Poland is not currently registered, he remains subject to the jurisdiction of NASD until February 22, 2007, pursuant to Article V, Section 4 of NASD's By-Laws, which provides for a two-year period of retained jurisdiction over formerly registered persons.

FIRST CAUSE OF ACTION  
NASD Conduct Rule 2110, Unauthorized Transactions,  
Against Respondent Poland

2. On or about December 30, 2004, Jonathan D. Poland effected the following two transactions in the account of public customer RT without the knowledge or consent of public customer RT. Specifically, Poland sold 12,000 shares of Horizon Offshore, Inc. (HOFF) at \$1.130852 per share and purchased 2,265 shares of Salton Inc. at \$5.7240109 per share for the account of public customer RT without the knowledge or consent from the customer to engage in the transactions.
3. Such acts, practices, and conduct constitute separate and distinct violations of NASD Conduct Rule 2110 by Respondent Poland.
4. Customer RT realized gains of \$8,664.45 on the two unauthorized transactions described in paragraph 2 above.
5. Respondent Poland received commissions totaling \$550.00 on the HOFF unauthorized transaction described in paragraph 2 above.

SECOND CAUSE OF ACTION  
NASD Procedural Rule 8210 and NASD Conduct Rule 2110, Failure to  
Appear for On-the-Record Interview, Against Respondent Poland

6. By letters dated July 17, 2006 and November 6, 2006, the NASD District staff requested that Jonathan Poland appear for an on-the-record interview and provide certain information to the staff. The requests for information were sent by certified mail to Jonathan Poland's address as reflected in the Central Records Depository and to a more current address that Jonathan Poland had provided during a telephone conversation with the NASD staff, and were sent pursuant to, and in accordance with,

the provisions of Procedural Rule 8210. Jonathan Poland did not appear to provide the information requested at either scheduled interview. A schedule of the staff's attempts to contact Poland is attached hereto as Exhibit "A."

7. Such acts, practices, and conduct constitute separate and distinct violations of NASD Procedural Rule 8210 and NASD Conduct Rule 2110 by Respondent Poland.

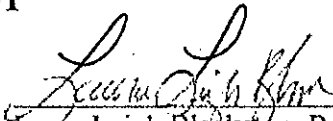
### **PRAYER**

WHEREFORE, the Department respectfully requests that the Panel:

- A. Order that one or more of the sanctions provided under NASD Rule 8310(a), including monetary sanctions be imposed including that the Respondent be required to disgorge fully any and all ill-gotten gains.
- B. Order that the Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with NASD Rule 8330.

### **NASD DEPARTMENT OF ENFORCEMENT**

Date: December 11, 2006

  
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CHRONOLOGY OF THE ASSOCIATION'S  
 REQUESTS FOR TESTIMONY APPEARANCE  
 SENT TO JONATHAN D. POLAND  
 GENERAL SECURITIES REPRESENTATIVE  
 UNDER THE PROVISION OF NASD RULE 8210

| DATE OF<br>ASSOCIATION<br>REQUEST | ADDRESS    | SOURCE                                             | METHOD                                                                                                        | REQUESTED                                                              | SCHEDULED<br>DATE AND TIME<br>FOR OTR | APPEARED<br>FOR OTR<br>YES/NO | COMMENTS                                                                                                                                                                                                                         |
|-----------------------------------|------------|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/03/2006                        | [REDACTED] | Staff conversation<br>with Poland<br>on 05/17/2006 | FedEx No. 8426 4185 9101                                                                                      | Poland appear for OTR Testimony<br>in the NASD Florida district office | 07/13/2006<br>10:00                   | No                            | Letter was delivered on 07/05/2006 at 11:45am                                                                                                                                                                                    |
| 07/17/2006                        | [REDACTED] | CRD                                                | First Class Mail<br>Certified Mail Return Receipt<br>No. 7005 1160 0000 7001 1014<br>FedEx No. 7910 5282 3677 | Poland appear for OTR Testimony<br>in the NASD Florida district office | 07/25/2006<br>10:00                   | No                            | Letter sent via First Class mail was not returned<br>Letter sent via Certified Mail was returned 09/06/2006<br>with postal stamp "attempted not known"<br>Letter sent via FedEx was returned on 07/27/2006                       |
| 07/17/2006                        | [REDACTED] | Staff conversation<br>with Poland<br>on 05/17/2006 | First Class Mail<br>Certified Mail Return Receipt<br>No. 7005 1160 0000 7001 1021<br>FedEx No. 7900 0104 8958 | Poland appear for OTR Testimony<br>in the NASD Florida district office | 07/25/2006<br>10:00                   | No                            | Letter sent via First Class mail was not returned<br>Letter sent via Certified Mail was returned 08/30/2006<br>with postal stamp "unclaimed"<br>Letter sent via FedEx was delivered on 07/18/2006                                |
| 11/06/2006                        | [REDACTED] | CRD                                                | First Class Mail<br>Certified Mail Return Receipt<br>No. 7005 1160 0000 7001 9331<br>FedEx No. 7922 3549 4347 | Poland appear for OTR Testimony<br>in the NASD Florida district office | 11/27/2006<br>10:00                   | No                            | Letter sent via First Class mail was not returned<br>Letter sent via Certified Mail was delivered on 11/25/2006<br>green receipt card was returned to district on 11/28/2006<br>Letter sent via FedEx was returned on 11/20/2006 |
| 11/06/2006                        | [REDACTED] | Staff conversation<br>with Poland<br>on 05/17/2006 | First Class Mail<br>Certified Mail Return Receipt<br>No. 7005 1160 0000 7001 9348<br>FedEx No. 7901 0978 0130 | Poland appear for OTR Testimony<br>in the NASD Florida district office | 11/27/2006<br>10:00                   | No                            | Letter sent via First Class mail was not returned<br>Letter sent via Certified Mail was not returned<br>No green receipt card was returned<br>Letter sent via FedEx was delivered on 11/07/2006                                  |