

**FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA)
OFFICE OF HEARING OFFICERS**

Department of Market Regulation,

Complainant,

v.

Gary M. Giblen (CRD No. 1819311),

Respondent.

Disc. Proc. No. 20050016010
Hearing Officer: AHP

**ORDER ACCEPTING OFFER
OF SETTLEMENT OF
GARY M. GIBLEN**

Date: June 24, 2008

RECEIVED
2008 JUN 24 P 3:01
REGISTRATION & DISCLOSURE

INTRODUCTION

Disciplinary Proceeding No. 20050016010 was filed on December 6, 2007, by the Department of Market Regulation of FINRA ("Complainant"). Respondent Gary M. Giblen ("Respondent" or "Giblen") submitted an Offer of Settlement ("Offer") to Complainant on June 10, 2008. Pursuant to Code of Procedure Rule 9270(e), the Complainant and the National Adjudicatory Council ("NAC"), a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs ("ODA") have accepted the uncontested Offer. Accordingly, this Order now is issued pursuant to Code of Procedure Rule 9270(e)(3). The findings, conclusions and sanctions set forth in this Order are those stated in the Offer as accepted by the Complainant and approved by the NAC.

Under the terms of the Offer, Respondent has consented, without admitting or denying the allegations of the Complaint, and solely for the purposes of this proceeding and any other proceeding brought by or on behalf of FINRA, or to which FINRA is a party, to the entry of findings and violations consistent with the allegations of the Complaint, and to the imposition of the sanction set forth below, and fully understands that this Order will become part of Respondent's permanent disciplinary record and may be considered in any future actions brought by FINRA.

000045177 2008

BACKGROUND

Giblen joined C.L. King & Associates, Inc. ("C.L. King") in July 2000 as Director of Research. While employed at the firm, Giblen passed the Series 24 and Series 87 examinations and became registered as a general securities principal and research analyst. Giblen left C.L. King in May 2005. He is registered currently at another FINRA member firm as a general securities principal and research analyst. Giblen is subject to FINRA jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.

FINDINGS AND CONCLUSIONS

It has been determined that the Offer be accepted and that findings be made as follows:

On April 13, 2005, Giblen, through his employer, C. L. King, issued a public research report on Pathmark Stores, Inc. ("Pathmark") with an "Accumulate" recommendation, an upgrade from his previous "Neutral" rating on the company. The next day, April 14, 2005, Giblen reiterated his "Accumulate" recommendation in an update to his research report on the company. Six days later, on April 20, 2005, without revising his public recommendation to accumulate the stock, and contrary to the recommendations contained in the two reports, Giblen purchased 100 put options on Pathmark. The purchase of put options, which reflected Giblen's negative short-term view on Pathmark, was inconsistent with his then-current recommendation of "Accumulate" on the company. Based on the foregoing, Giblen violated NASD Conduct Rules 2110 and 2711(g)(3).

Based on these considerations, the sanction hereby imposed by the acceptance of the Offer is in the public interest, is sufficiently remedial to deter Respondent from any future misconduct, and represents a proper discharge by FINRA of its regulatory responsibility under the Securities Exchange Act of 1934.

SANCTION

It is ordered that Respondent shall be suspended from association with any FINRA member in all capacities for seven business days. Respondent has submitted a sworn financial statement and demonstrated an inability to pay. In light of the financial status of Respondent, *no monetary sanction has been imposed.*

The sanction imposed herein shall be effective on a date set by FINRA staff.

SO ORDERED.

FINRA

Signed on behalf of the
Director of ODA, by delegated authority

A handwritten signature in black ink, reading "Cameron K. Funkhouser" followed by a large, stylized "5" as a superscript.

Cameron K. Funkhouser
Senior Vice President
Department of Market Regulation