

NASD
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 20050023697

TO: Department of Enforcement
NASD

RE: Cheryl L. Mize, Respondent
General Representative
CRD No. 4270587

Pursuant to Rule 9216 of NASD Code of Procedure, I, Cheryl L. Mize, submit this Letter of Acceptance, Waiver and Consent ("AWC") for the purpose of proposing a settlement of the alleged rule violations described in Part II below. This AWC is submitted on the condition that, if accepted, NASD will not bring any future actions against me alleging violations based on the same factual findings.

I understand that:

1. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by NASD's Department of Enforcement and National Adjudicatory Council ("NAC") Review Subcommittee or Office of Disciplinary Affairs ("ODA"), pursuant to NASD Rule 9216;
2. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against me; and
3. If accepted:
 - a. this AWC will become part of my permanent disciplinary record and may be considered in any future actions brought by NASD or any other regulator against me;
 - b. this AWC will be made available through NASD's public disclosure program in response to public inquiries about my disciplinary record;
 - c. NASD may make a public announcement concerning this agreement and the subject matter thereof in accordance with NASD Rule 8310 and IM-8310-2; and
 - d. I may not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any finding in this AWC or create the impression that the AWC

is without factual basis. Nothing in this provision affects my testimonial obligations or right to take legal or factual positions in litigation or other legal proceedings in which NASD is not a party.

I also understand that my experience in the securities industry and disciplinary history may be factors that will be considered in deciding whether to accept this AWC. That experience and history are as follows:

Cheryl L. Mize ("Mize") entered the securities industry in December 2000 as a General Securities Representative of a member of NASD. Mize became registered in the same capacity with City Securities Corporation ("Member"), a member of NASD, in June 2005 and remained registered in such capacity until her termination in August 2005. Mize is not currently associated with any NASD member and has no prior disciplinary history with NASD.

I.

WAIVER OF PROCEDURAL RIGHTS

I specifically and voluntarily waive the following rights granted under NASD's Code of Procedure:

- A. To have a Formal Complaint issued specifying the allegations against me;
- B. To be notified of the Formal Complaint and have the opportunity to answer the allegations in writing;
- C. To defend against the allegations in a disciplinary hearing before a hearing panel, to have a written record of the hearing made and to have a written decision issued; and
- D. To appeal any such decision to the NAC and then to the U.S. Securities and Exchange Commission and a U.S. Court of Appeals.

Further, I specifically and voluntarily waive any right to claim bias or prejudgment of the General Counsel, the NAC, or any member of the NAC, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including acceptance or rejection of this AWC.

I further specifically and voluntarily waive any right to claim that a person violated the ex parte prohibitions of Rule 9143 or the separation of functions prohibitions of Rule 9144, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including its acceptance or rejection.

II.
ACCEPTANCE AND CONSENT

- A. I hereby accept and consent, without admitting or denying the findings, and solely for the purposes of this proceeding and any other proceeding brought by or on behalf of NASD, or to which NASD is a party, prior to a hearing and without an adjudication of any issue of law or fact, to the entry of the following findings by NASD:
1. On or about February 28, 2005, the State of Indiana charged Mize with a Class A misdemeanor of invasion of privacy, a Class B misdemeanor of battery, and a Class A Felony of attempted murder.
 2. On or about April 28, 2005, Mize was found guilty of the misdemeanor charges and acquitted of the felony attempted murder charge.
 3. On or about June 23, 2005, Mize willfully failed to disclose material facts on a Uniform Application for Securities Industry Registration or Transfer (Form U-4) by failing to disclose that she had been charged with the aforementioned felony crime, in violation of NASD Conduct Rule 2110.
 4. On September 28, 2005, October 24, 2005, and November 22, 2005 the NASD staff, pursuant to and in accordance with NASD Procedural Rule 8210, sent written requests to Mize for her to respond to certain questions and provide documents concerning her activities while associated with the Member, but Mize failed to respond to the questions and to provide the requested documents, in violation of NASD Conduct Rule 2110 and Procedural Rule 8210.
- B. I also consent to the imposition, at a maximum, of the following sanctions: a bar from association with any member of NASD in any capacity.

The sanctions imposed herein shall be effective on a date set by NASD staff.

III.
OTHER MATTERS

- A. I understand that if I am barred or suspended from associating with any NASD member, I become subject to a statutory disqualification as that term is defined in Section 3(a)(39) of the Securities Exchange Act of 1934, as amended. Accordingly, I may not be associated with any NASD member in any capacity, including clerical or

ministerial functions, during the period of the bar or suspension. (See NASD Rule 8310 and IM-8310-1.)

- B. I understand that this settlement includes a finding that on or about February 24, 2004, I willfully failed to disclose a material fact on a Form U-4, and that under Section 15(b)(4)(A) of the Securities Exchange Act of 1934 and Article III, Section 4(f) of the NASD By-Laws, this omission makes me subject to a statutory disqualification with respect to association with a member.

<Remainder of this page intentionally left blank>

I certify that I have read and understand all of the provisions of this AWC and have been given a full opportunity to ask questions about it, and that no offer, threat, inducement, or promise of any kind, other than the terms set forth herein, has been made to induce me to submit it.

9-Feb-06
Date

Date _____


Cheryl L. Mize

Reviewed by:

Counsel for Respondent

Accepted by NASD:

2/21/06
Date

Date _____

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


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