

**NASD
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant

v.

RICHARD A. THAYER
Registered Representative
(CRD No. 4123272)

Respondent

**Disciplinary Proceeding
No. 2006005175401**

Hearing Officer

COMPLAINT

The Department of Enforcement alleges:

1. Richard A. Thayer was registered with NatCity Investments, Inc. ("Member"), a member of NASD, as an Investment Company/Variable Contracts Products Representative between April 2003 and May 2006, and as a General Securities Representative between August 2005 and May 2006. Respondent is not currently registered with a NASD member. Respondent therefore is subject to the jurisdiction of the NASD, pursuant to Article V, Section 4 of NASD's By-Laws.

**FIRST CAUSE OF ACTION
Conversion of Customer's Funds
Violation of NASD Conduct Rule 2110**

2. The Department realleges and incorporates by reference paragraph 1 above.

3. During all relevant times, M.H., C.B. and H.L. were members of the public who maintained accounts at the Member's affiliate, National City Bank.

4. During all times relevant hereto, Respondent also was an employee of National City Bank.

5. On or about March 17, 2006, Respondent withdrew \$2,000 from M.H.'s bank account without the knowledge or consent of M.H., and used the funds for his personal use or for some purpose other than the M.H.'s benefit.

6. In or about April 2006, Respondent debited the bank account of C.B. in the amount of \$2,000 and placed the \$2,000 in the bank account of M.H., without the knowledge or consent of C.B.

7. In or about April 2006, Respondent debited the account of H.L. in the amount of \$2,000 and placed the \$2,000 in the bank account of C.B., without the knowledge or consent of H.L.

8. On or about April 28, 2006, Respondent admitted to the allegations contained in Paragraphs 3 through 5 above.

9. The above acts, practices and conduct constitute a violation of NASD Conduct Rules 2110 by Respondent.

SECOND CAUSE OF ACTION
Failure to Respond to Requests for Information
Violation of NASD Conduct Rule 2110 and NASD Procedural Rule 8210

10. The Department realleges and incorporates by reference paragraph 1 above.

11. On or about July 13, 2006, NASD staff sent Respondent a letter, pursuant to NASD Procedural Rule 8210, inquiring about the alleged conversion of customer funds, as outlined above in the First Cause of Action. This letter was sent by regular and certified mail to

Respondent's CRD address of record. The regular mailing was returned to staff marked "Returned to Sender; Undeliverable as Addressed; Forwarding Order Expired" and the certified mailing was returned to staff marked "Returned to Sender; Unclaimed."

12. Upon receipt of the returned envelopes, NASD staff obtained from National Comprehensive Report Plus Associates two other addresses for Respondent, i.e. [REDACTED]

[REDACTED]

[REDACTED]

13. On or about August 7, 2006, NASD staff sent Respondent another letter, pursuant to NASD Procedural Rule 8210, inquiring about the alleged conversion of customer funds, as outlined above. This letter was also sent by regular and certified mail and was addressed to Respondent's CRD address of record, the Royal Oak address and the Ferndale address. The regular mailing to the CRD address was returned to staff marked "Returned to Sender; Unable To Forward; No Forward Order on File" and the certified mailing to the CRD address was returned marked "Returned to Sender; Moved, Left No Address." The regular mailing to the Royal Oak address was not returned, and the certified mailing to the Royal Oak address was returned, marked "Returned to Sender; Unclaimed." The regular mailing to the Ferndale address was not returned, and the certified mailing to the Ferndale address was returned marked "Returned to Sender; Unclaimed."

14. On or about August 10, 2006, Respondent telephoned NASD staff, verified that the Royal Oak address was his current address, and stated that he received NASD's letter dated August 7, 2006.

15. On August 30, 2006, NASD staff sent Respondent a final request for information, pursuant to NASD Procedural Rule 8210, inquiring about the alleged conversion of customer funds, as outlined above in the First Cause of Action. This letter was also sent by regular and certified mail and was addressed to Respondent's CRD address of record and the Royal Oak address. The regular mailing to the CRD address was not returned, and the certified mailing was returned to staff marked "Returned to Sender; Not Deliverable as Addressed; Unable To Forward." The regular mailing to the Royal Oak address was not returned, and the certified mailing to the Royal Oak address was returned, marked "Returned to Sender; Unclaimed."

16. To date, Respondent has failed to respond to each and all of the requests for information as described in the paragraphs above, and the time and the dates for responding to the requests have passed.

17. The acts, practices, and conduct described above constitute a violation of NASD Conduct Rule 2110 and Procedural Rule 8210 by Respondent.

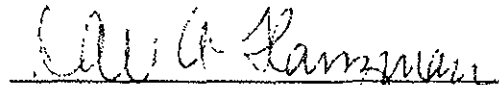
PRAYER FOR RELIEF

WHEREFORE, Complainant 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; and

- B. order that 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**



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Date: November 8, 2006

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