

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

JOHN K. KUTCHE
(CRD No. 2634388),

Respondent.

Disciplinary Proceeding
No. 2006006913501

Hearing Officer—Andrew H. Perkins

DEFAULT DECISION

October 14, 2008

Respondent is barred from associating with any member firm in any capacity for failing to respond to requests for information issued by FINRA staff, in violation of Procedural Rule 8210 and Conduct Rule 2110. Respondent also violated Conduct Rules 3030 and 2110 by engaging in outside business activities without providing his firm written notice of his activities. However, in light of the bar, no additional sanctions are imposed for this violation.

Appearances

Ralph J. Veth, Senior Regional Counsel, New Orleans, LA, for the Department of Enforcement.

No appearance by or on behalf of John K. Kutsche.

DECISION

I. Introduction

On March 10, 2008, the Department of Enforcement ("Enforcement") filed the attached Complaint against John K. Kutsche ("Kutsche"). The Complaint charges Kutsche with: (1) engaging in outside business activities without first providing his firm with written notice of his activities, in violation of NASD Conduct Rules 3030 and 2110; and (2) failing to respond to

FINRA staff's requests for information concerning the foregoing charges, in violation of NASD Procedural Rule 8210 and NASD Conduct Rule 2110.¹

The Respondent did not answer or otherwise respond to the Complaint. Consequently, on August 27, 2008, Enforcement filed a Motion for Entry of Default Decision, supported by the Declaration of Ralph J. Veth ("Veth Decl.") and seven exhibits. Kutsche did not reply to the motion. Accordingly, for the reasons set forth below, the Hearing Officer grants Enforcement's motion.

II. Findings of Fact and Conclusions of Law

A. Respondent's Default

The Hearing Officer finds that Enforcement properly served the Respondent with the Complaint by mailing the Complaint and the First and Second Notices of Complaint to his most current residential address shown in the Central Registration Depository (the "CRD Address") and three other possible residential addresses. Enforcement mailed the First Notice of Complaint by first-class certified mail on May 30, 2008. Kutsche did not answer the Complaint.

Enforcement served the Second Notice of Complaint on Kutsche by first-class certified mail on July 7, 2008. To date, Kutsche has not filed an Answer with the Office of Hearing Officers or otherwise responded to the Complaint.²

Kutsche defaulted by failing to answer the Complaint.³ Accordingly, pursuant to Procedural Rules 9215(f) and 9269(a)(2), the Hearing Officer deems the allegations in the attached Complaint admitted and grants Enforcement's motion for entry of a default decision.

¹ The FINRA Rules, which include NASD Procedural and Conduct Rules, are at www.finra.org/Rules.

² Veth Decl. ¶ 29.

³ *Department of Enforcement v. Reynolds Verdiner*, No. CAF020004, 2003 NASD Discip. LEXIS 42, at *5 (N.A.C. Dec. 9, 2003) (NASD Procedural Rule 9134(b)(1) allows for constructive notice by mailing a complaint to the respondent's most recent CRD address) (quoting *Lubeck v. SEC*, 1998 U.S. App. LEXIS 18849, at *20 (9th Cir. Aug. 12, 1998)).

B. Jurisdiction

Kutsche entered the securities industry in August 1995 as an Investment Company and Variable Contracts Products Representative with PFS Investments, Inc., a FINRA member firm. Between March 31, 2004, and November 9, 2006, Kutsche was associated with and registered through USAllianz Securities, Inc. (now known as Questar Capital Corporation) (“USAllianz”).⁴ On November 9, 2006, USAllianz filed a Uniform Termination Notice For Securities Industry Registration (Form U5) on Kutsche’s behalf that indicated the firm had permitted him to resign while he was subject to an internal firm investigation for undisclosed outside business activities.⁵

Kutsche’s registration with FINRA terminated effective November 9, 2006.⁶ Kutsche has not since been associated with a FINRA member firm or registered with FINRA. Nonetheless, he remains subject to FINRA’s jurisdiction for purposes of this proceeding, pursuant to Article V, Section 4 of FINRA’s Bylaws, because (1) the Complaint was filed within two years following the termination of his registration with FINRA and (2) the Complaint charges him with misconduct committed while he was associated with a FINRA member firm and with failing to respond to FINRA’s requests for information made during the two-year period following his registration termination.⁷

C. Unreported Outside Business Activities

The First Cause of the Complaint alleges that Kutsche provided investment advisory services to members of the public between March 31, 2004, and November 7, 2006, without providing USAllianz notice of his activities, as he was required to do pursuant to Conduct Rule

⁴ Ex. 1, at 3 (CRD record).

⁵ Ex. 2.

⁶ Ex. 1, at 5.

⁷ See Article V, Sec. 4(a), FINRA By-Laws, available at www.finra.org/Rules (then follow “NASD Manual” hyperlink to “Corporate Organization: Bylaws”).

3030. During that time, Kutsche received \$30,134.22 in advisory fees directly from Jefferson National Life Insurance Company in connection with 21 insurance contracts held by ten USAllianz customers. USAllianz was unaware of Kutsche's advisory business and had not authorized him to perform such services to its customers. Although Kutsche claimed he had been registered as an investment advisor since 1996, there is no record of such registration with either the Securities and Exchange Commission or the State of Georgia.⁸

Enforcement commenced an investigation into Kutsche's outside business activities after it received the Form U5 filed by USAllianz.⁹ In the course of that investigation, pursuant to Procedural Rule 8210, FINRA sent Kutsche three requests for information and twice set dates for him to appear and answer questions regarding his outside business activities. Kutsche did not provide the requested information, and he failed to appear for his on-the-record interviews.¹⁰

NASD Conduct Rule 3030 provides that no person registered with a member "shall be employed by, or accept compensation from, any other person as a result of any business activity ... outside the scope of his relationship with his employer firm, unless he has provided prompt written notice to the member ... in the form required by the member." The purpose of Conduct Rule 3030 is to provide member firms with an opportunity to raise any objections to such activities at a meaningful time and to exercise appropriate supervision as necessary under

⁸ Veth Decl. ¶ 10.

⁹ *Id.* ¶ 8.

¹⁰ *Id.*

applicable law.¹¹ Conduct Rule 3030 requires disclosure of all outside business activity, not just securities-related activity.¹²

The Hearing Officer finds that the allegations in the Complaint are sufficient to establish that Kutsche violated Conduct Rules 3030 and 2110.¹³ Accordingly, the Hearing Officer finds that Kutsche violated NASD Conduct Rules 3030 and 2110 by engaging in such outside business activities without first providing USAllianz with written notice of his intended activities.

D. Failure to Respond to Requests for Information

The Second Cause of the Complaint alleges that Kutsche failed to respond to seven requests for information FINRA staff sent in connection with the investigation of Kutsche's outside business activities. The staff properly served Kutsche with each request pursuant to Procedural Rule 8210.

The staff sent the first request on November 21, 2006, to Kutsche at his CRD Address by certified and first-class mail. Kutsche contacted the staff on December 8, 2006, and requested until December 15, 2006, to supply the requested information. Nonetheless, Kutsche did not provide the requested information.

On December 29, 2006, the staff sent Kutsche a second request for the same information regarding his outside business activities. The staff sent the second request to his CRD Address by certified and first-class mail. Kutsche did not respond to this request.

¹¹ *Proposed Rule Change by NASD Relating to Outside Business Activities of Associated Persons*, Exchange Act Release No. 26,063, 1988 SEC LEXIS 1841 (Sept. 6, 1988), adopted at Exchange Act Release No. 26,178, 1988 SEC LEXIS 2032 (Oct. 13, 1988).

¹² *District Bus. Conduct Comm. v. Cruz*, No. C8A930048, 1997 NASD Discip. LEXIS 62, at *96 (N.B.C.C. Oct. 31, 1997).

¹³ *Department of Enforcement v. Schneider*, No. C10030088, 2005 NASD Discip. LEXIS 6, at *13-14 (N.A.C. Dec. 7, 2005).

On January 16, 2007, the staff sent him a third request for the same information. The staff sent the third request to his CRD Address by certified and *first-class* mail. Kutsche did not respond to this request.

On May 9, 2007, the staff called Kutsche, who returned the call later the same day. Kutsche informed the staff that he had sent a written response in December 2006. The staff asked that he resend his response by May 11, 2007, because it had not been received. Although Kutsche assured the staff that he would cooperate in the investigation, he did not send any of the requested information.

The staff then made four attempts to secure Kutsche's testimony regarding his outside business activities. The written requests directing Kutsche to appear for an on-the-record interview were dated May 17, 2007, June 1, 2007, June 21, 2007, and July 6, 2007. The first two requests were properly served on Kutsche by mail at his CRD Address and at alternate addresses provided by USAllianz. Moreover, the record reflects that Kutsche received actual notice of some of the requests. On June 18, 2007, Kutsche left a voicemail message for the staff, in which he stated that he had been traveling. He also provided the staff with a new mailing address and an e-mail address at which he could be contacted. Kutsche did not appear for his scheduled on-the-record interviews.

The staff sent the second two requests that he appear for an on-the-record interview to his CRD Address, the address provided by USAllianz, and to the new residential address Kutsche provided in his voicemail message on June 18, 2007. Kutsche did not appear on the scheduled dates.

The Hearing Officer finds that Kutsche violated Procedural Rule 8210 and Conduct Rule 2110 by failing to supply any of the requested information and by failing to appear for an on-the-record interview in connection with FINRA's investigation into his outside business activities.

III. Sanctions

A. Failure to Respond to Requests for Information

The FINRA Sanction Guidelines ("Guidelines") recommend a bar where a respondent fails to respond in any manner to a request for information issued pursuant to Procedural Rule 8210.¹⁴ Where mitigation exists, the Guidelines recommend consideration of a suspension in all capacities of up to two years.

The Hearing Officer finds that a bar is the appropriate sanction under the facts and circumstances of this case. The record reflects that Kutsche had actual knowledge of many of the requests for information and promised to cooperate. Nevertheless, Kutsche provided none of the requested information and failed to appear for an on-the-record interview. There are no mitigating factors that would justify imposition of a lesser sanction. Accordingly, the Hearing Officer will bar Kutsche from associating with any FINRA member in any capacity for violating Procedural Rule 8210 and Conduct Rule 2110.

B. Outside Business Activities

The Sanction Guidelines governing outside business activities recommend a fine of \$2,500 to \$50,000 and a suspension of up to 30 business days where there are no aggravating circumstances.¹⁵ Where the outside business activities involve aggravating circumstances, the Sanction Guidelines recommend consideration of a suspension of up to one year. In egregious

¹⁴ FINRA Sanction Guidelines 35 (2007), available at <http://www.finra.org/RegulatoryEnforcement/index.htm> (then follow "FINRA Sanction Guidelines" hyperlink).

¹⁵ *Id.* at 14.

cases involving substantial activity or significant injury, the Sanction Guidelines recommend consideration of a longer suspension or a bar.

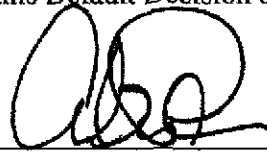
The Hearing Officer finds Kutsche's violation of Conduct Rule 3030 was egregious. All but one of the five aggravating factors listed in the applicable Sanction Guidelines are present, and there are no mitigating factors. Kutsche entered into advisory contracts with ten of USAllianz's customers over a 32-month period. He received substantial fees for his outside business activities (more than \$30,000), and he filed false annual certifications with his firm to conceal his wrongful conduct. Indeed, Kutsche admitted in his resignation letter that he was aware of USAllianz's policy requiring its registered representatives to report all outside business activities, but he nonetheless certified in August 2005, February 2006, and September 2006 that he had not participated in any outside business activities. Those certifications were false. The Hearing Officer also took into consideration that there was a substantial likelihood that he created the impression that USAllianz had approved his activities and the products he sold its customers.

Under these circumstances, the Hearing Officer determined that Kutsche should be barred from the securities industry *for this violation*. Kutsche's willful violation of his firm's policies and Conduct Rule 3030 for nearly three years evidences his willingness to disregard important restrictions designed to protect both the investing public and his firm. Absent any mitigating factors, the Hearing Officer concluded that Kutsche presents too great a risk to the investing public to allow him to remain in the securities industry.

IV. Order

John K. Kutsche is barred from associating with any member firm in any capacity for failing to respond in any manner to requests for information, in violation of Procedural Rule

8210 and Conduct Rule 2110, and for participating in outside business activities without providing his firm written notice of those activities, in violation of Conduct Rules 3030 and 2110. The bars shall become effective immediately if this Default Decision becomes the final disciplinary action of FINRA.¹⁶



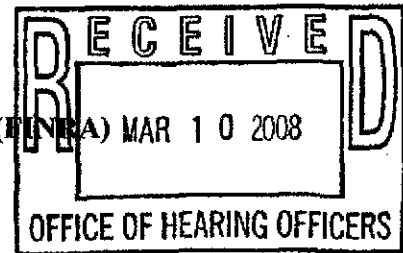
Andrew H. Perkins
Hearing Officer

Copies to:

John K. Kutsche (FedEx, next day delivery, and first-class mail)
Ralph J. Veth, Esq. (electronic and first-class mail)
Mark P. Dauer, Esq., (electronic mail)
David R. Sonnenberg, Esq., (electronic mail)

¹⁶ In light of the bars, the Hearing Officer did not impose monetary sanctions.

FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA)
OFFICE OF HEARING OFFICERS



DEPARTMENT OF ENFORCEMENT,

COMPLAINANT,

v.

JOHN K. KUTCHE,
Investment Company and Variable Contracts
Products Representative
(CRD No. 2634388),

Respondent.

DISCIPLINARY PROCEEDING
No. 2006006913501

HEARING OFFICER: _____

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. During the period from on or about March 31, 2004, through on or about November 7, 2006, John K. Kutsche ("Kutsche") acted as an investment advisor without having provided prompt written notice to his employer member firm USAllianz Securities, Inc., in violation of NASD Conduct Rules 2110 and 3030. Specifically, Kutsche received \$30,134.22 in advisory fees despite his employer member firm's prohibition against unapproved outside business activities. Furthermore, Kutsche failed to respond to FINRA's requests for information and failed to appear for an on-the-record interview, in violation of NASD Conduct Rule 2110 and Procedural Rule 8210.

JURISDICTION

2. John K. Kutsche entered the securities industry on August 2, 1995 as an Investment Company and Variable Contracts Products Representative. Kutsche was associated with member firm USAllianz Securities, Inc. (n/k/a Questar Capital Corporation) from March 31, 2004, through November 7, 2006, and was registered with FINRA (f/k/a/ National Association of Securities Dealers or NASD) under Article V of the By-Laws as an Investment Company and Variable Products Representative. USAllianz Securities, Inc. filed a Uniform Termination Notice for Securities Industry Registration ("Form U5") for John K. Kutsche on November 9, 2006, which disclosed the subject matter of this Complaint. Although Kutsche is not currently registered, he remains subject to the jurisdiction of FINRA until November 6, 2008, pursuant to Article V, Section 4 of FINRA's By-Laws, which provides for a two-year period of retained jurisdiction over formerly registered persons after the termination date.

FIRST CAUSE OF ACTION

NASD Conduct Rules 2110 and 3030,
Participation in Undisclosed Outside Business Activity,
Against Respondent Kutsche

3. During the period from on or about March 31, 2004, through on or about November 7, 2006, Respondent John K. Kutsche provided investment advisory services for compensation without providing prompt written notice to his employer member firm USAllianz Securities, Inc. Specifically, Kutsche received a total of \$30,134.22 from Jefferson National Life Insurance

Company as advisory fees for twenty-one insurance contracts, all as more fully detailed on Exhibit "A," attached hereto. All twenty-one insurance contracts were held by public customers of USAllianz Securities, Inc.

4. USAllianz Securities, Inc.'s written supervisory procedures required prior approval of all outside business activities and prohibited registered representatives from acting as independent investment advisors.
5. During the period from on or about August 2, 2004, through on or about October 1, 2006, Respondent Kutsche, on seven occasions, acknowledged receipt of USAllianz Securities, Inc.'s policy regarding disclosure of outside business activities.
6. Such acts, practices, and conduct constitute separate and distinct violations of NASD Conduct Rules 2110 and 3030 by Respondent John K. Kutsche.

SECOND CAUSE OF ACTION

NASD Conduct Rule 2110 and Procedural Rule 8210, Failure to Respond to Requests for Information, Against Respondent Kutsche

7. By letters dated November 21, 2006, December 29, 2006, and January 16, 2007, the FINRA District staff requested that Respondent John K. Kutsche provide certain information to the staff concerning the activities described in the First Cause of Complaint. These requests for information were sent pursuant to, and in accordance with, the provisions of Procedural Rule 8210, all as more fully detailed on Exhibit "B," attached hereto.

8. Respondent Kutsche had actual notice of the November 21, 2006 letter. On December 8, 2006, Respondent Kutsche telephoned the staff and requested an extension time in order to respond to the requests for information. An extension was granted until December 15, 2006.
9. However, Respondent Kutsche failed to respond to any of the above requests.
9. By letters dated May 17, 2007, June 1, 2007, June 21, 2007 and July 6, 2007, the FINRA District Staff requested that Kutsche appear for an on-the-record interview to provide certain information to the staff concerning the activities described in the First Cause of Complaint. These requests for information were sent pursuant to, and in accordance with, the provisions of Procedural Rule 8210, all as more fully detailed on Exhibit "C," attached hereto.
10. Respondent Kutsche failed to appear for his on-the-record interviews on June 14, 2007, and July 20, 2007.
11. Such acts, practices, and conduct constitute separate and distinct violations of NASD Conduct Rule 2110 and Procedural Rule 8210 by Respondent John K. Kutsche.

RELIEF REQUESTED

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 and/or make full and complete restitution, together with interest.

- 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.

FINRA DEPARTMENT OF ENFORCEMENT

Date: March 10, 2008



Ralph J. Veth, Senior Regional Counsel
Andrew A. Favret, Associate Vice President
and Regional Chief Counsel
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Advisory Fees Paid to
John K. Kutsche by
Jefferson National Life Insurance Company

John K. Kutsche
Formal Complaint
Case No. 2006006913501
Exhibit A
Page 1

2005

Disbursement Type Desc.	Entry Date	Net Amount	Payee Name	Policy	Status Date
Investment Service Fee	12/8/2005	\$195.00	Kutsche; John Keith	██████████	12/9/2005
Investment Service Fee	11/2/2005	\$1,768.07	Kutsche; John Keith	██████████	11/3/2005
Investment Service Fee	10/28/2005	\$1,156.42	Kutsche; John Keith	██████████	10/31/2005
Investment Service Fee	7/20/2005	\$1,747.38	Kutsche; John Keith	██████████	7/21/2005
Investment Service Fee	6/9/2005	\$1,923.84	Kutsche; John Keith	██████████	6/10/2005
Total Amount		\$6,790.71			

2006

Disbursement Type Desc.

Disbursement Type Desc.	Entry Date	Net Amount	Payee Name	Policy	Status Date
Investment Service Fee	10/5/2006	\$724.18	Kutsche; John Keith	██████████	10/6/2006
Investment Service Fee	10/4/2006	\$645.75	Kutsche; John Keith	██████████	10/5/2006
Investment Service Fee	10/3/2006	\$862.67	Kutsche; John Keith	██████████	10/4/2006
Investment Service Fee	9/26/2006	\$796.98	Kutsche; John Keith	██████████	9/29/2006
Investment Service Fee	9/12/2006	\$2,133.35	Kutsche; John Keith	██████████	9/13/2006
Investment Service Fee	8/31/2006	\$1,675.43	Kutsche; John Keith	██████████	9/1/2006
Investment Service Fee	8/25/2006	\$661.28	Kutsche; John Keith	██████████	8/28/2006
Investment Service Fee	8/7/2006	\$608.89	Kutsche; John Keith	██████████	8/8/2006
Investment Service Fee	7/10/2006	\$857.14	Kutsche; John Keith	██████████	7/11/2006
Investment Service Fee	7/7/2006	\$1,346.77	Kutsche; John Keith	██████████	7/10/2006
Investment Service Fee	6/23/2006	\$1,074.15	Kutsche; John Keith	██████████	6/26/2006
Investment Service Fee	6/12/2006	\$1,432.06	Kutsche; John Keith	██████████	6/13/2006
Investment Service Fee	6/8/2006	\$1,153.21	Kutsche; John Keith	██████████	6/9/2006
Investment Service Fee	5/16/2006	\$602.55	Kutsche; John Keith	██████████	5/17/2006
Investment Service Fee	4/21/2006	\$2,159.00	Kutsche; John Keith	██████████	4/25/2006

Advisory Fees Paid to
John K. Kutsche by
Jefferson National Life Insurance Company

John K. Kutsche
Formal Complaint
Case No. 2006006913501
Exhibit A
Page 2

Investment Service Fee	3/29/2006	\$586.78	Kutsche; John Keith [REDACTED]	3/30/2006
Investment Service Fee	2/2/2006	\$3,011.51	Kutsche; John Keith [REDACTED]	2/3/2006
Investment Service Fee	1/27/2006	\$1,214.56	Kutsche; John Keith [REDACTED]	1/30/2006
Investment Service Fee	1/17/2006	\$827.70	Kutsche; John Keith [REDACTED]	1/18/2006
	1/4/2006	\$969.55	Kutsche; John Keith [REDACTED]	1/5/2006
Amount Paid in 2006 to John Kutsche		\$23,343.51		

EXAMINATION NO. 20060069135
CHRONOLOGY OF THE ASSOCIATION'S
REQUESTS FOR INFORMATION
JOHN K. KUTSCHE

UNDER THE PROVISION OF
NASD RULE 8210

DATE OF ASSOCIATION REQUEST	ADDRESSES	METHOD	INFORMATION REQUESTED	DUE DATE OF RESPONSE	RESPONSE RECEIVED YES/NO	COMMENTS
11/21/2006	[REDACTED]	Regular and Certified U.S. Mail (#7005 1160 0000 7001 9383)	Inquiry relative to disclosures appearing on Form U-5 filed by USAllianz reflecting Kutsche's termination from the firm as a result of undisclosed outside business activities	12/5/2006	NO	Kutsche contacted the staff on December 8, 2006 and requested an extension through December 15, 2006. No response received on or before December 15, 2006.
12/29/2006	[REDACTED]	Regular and Certified U.S. Mail (#7005 1160 0000 7001 9553)	SECOND REQUEST Inquiry relative to disclosures appearing on Form U-5 filed by USAllianz reflecting Kutsche's termination from the firm as a result of undisclosed outside business activities	1/12/2007	NO	Correspondence sent via certified mail was returned to the District office on 01/25/2007 stamped "Return to Sender/Unclaimed/Unable to Forward" Correspondence sent via regular mail was not returned to the District office.
1/18/2007	[REDACTED]	Regular and Certified U.S. Mail (# 7005 1160 0000 7001 5210)	THIRD REQUEST Inquiry relative to disclosures appearing on Form U-5 filed by USAllianz reflecting Kutsche's termination from the firm as a result of undisclosed outside business activities	1/30/2007	NO	Correspondence sent via certified mail was returned to the District office on 02/12/2007 stamped "Return to Sender/Unclaimed/Unable to Forward" Correspondence sent via regular mail was not returned to the District office.

EXAMINATION NO. 20060069135
CHRONOLOGY OF THE ASSOCIATION'S
REQUESTS FOR INFORMATION AND
TO APPEAR FOR ON-THE-RECORD TESTIMONY

JOHN K. KUTSCHE

UNDER THE PROVISION OF
NASD RULE 9210

DATE OF ASSOC. REQUEST	ADDRESSES	METHOD	INFORMATION REQUESTED	DUE DATE OF RESPONSE		RESPONSE RECEIVED		COMMENTS
5/17/2007	[REDACTED]	Regular and Certified U.S. Mail (#7005 1160 0000 7001 5227)	Letter documenting all letters sent to Kutsche and all telephone conversations between Kutsche and JGP and Kutsche and JWS. In addition, the letter states that the Association is requesting his appearance for an on-the-record interview scheduled for June 14, 2007 and requires Kutsche to confirm his intention to appear on or before May 25, 2007. This letter also required Kutsche to provide all previously requested information requested by the staff that had not yet been provided. Copies of the previous request letters were enclosed.	5/25/2007		NO		Correspondence sent via certified mail and regular mail were both returned to the District office on May 29, 2007, individually. In addition a copy was sent via certified and regular mail to the additional address obtained for Kutsche (8612 Main Street). The certified copy of the letter sent to this address was returned to the District office on June 14, 2007. The copy sent via regular mail was not returned.
5/17/2007	[REDACTED]	Regular and Certified U.S. Mail (# 7005 1160 0000 7001 5234)	Letter documenting all letters sent to Kutsche and all telephone conversations between Kutsche and JGP and Kutsche and JWS. In addition, the letter states that the Association is requesting his appearance for an on-the-record interview scheduled for June 14, 2007 and requires Kutsche to confirm his intention to appear on or before May 25, 2007. This letter also required Kutsche to provide all previously requested information requested by the staff that had not yet been provided. Copies of the previous request letters were enclosed.	5/25/2007		NO		Correspondence sent via certified mail was returned to the District office on June 14, 2007. The copy sent via regular mail was not returned.

6/1/2007			Regular and Certified U.S. Mail (# 7005 1160 0000 7001 8399)	Second notice to Kutsche notifying him of OTR scheduled June 14, 2007. The letter requires Kutsche to confirm his intention to appear for the interview on or before June 8, 2007. This letter also required Kutsche to provide all previously requested information requested by the staff that had not yet been provided by June 7, 2007. Copies of all previous request letters were enclosed.	6/8/2007	NO	Correspondence sent via certified mail and regular mail were both returned to the District office on June 26, 2007 and June 11, 2007, respectively. In addition a copy was sent via certified and regular mail to the additional address obtained for Kutsche (8612 Main Street). The certified copy of the letter sent to this address was returned to the District office on June 26, 2007. The copy sent via regular mail was not returned.
6/1/2007			Regular and Certified U.S. Mail (# 7005 1160 0000 7001 8396)	Second notice to Kutsche notifying him of OTR scheduled June 14, 2007. The letter requires Kutsche to confirm his intention to appear for the interview on or before June 8, 2007. This letter also required Kutsche to provide all previously requested information requested by the staff that had not yet been provided by June 7, 2007. Copies of all previous request letters were enclosed.	6/8/2007	NO	Correspondence sent via certified mail was returned to the District office on June 26, 2007. The copy sent via regular mail was not returned.
6/21/2007			Regular and Certified U.S. Mail (# 7005 1160 0000 7001 2745)	Notice to Kutsche notifying him of OTR scheduled for July 20, 2007. The letter requires Kutsche to confirm his intention to appear for the interview on or before June 28, 2007. This letter also required Kutsche to provide all previously requested information requested by the staff that had not yet been provided by July 5, 2007. The letter also requests additional information with respect to the new address provided by Kutsche himself. Copies of all previous request letters were enclosed.	6/29/2007 and 07/05/2007	NO	Correspondence sent via certified mail was returned to the District office on July 23, 2007. The copy sent via regular mail was not returned.
6/21/2007			Regular and Certified U.S. Mail (# 7005 1160 0000 7001 2752)	Notice to Kutsche notifying him of OTR scheduled for July 20, 2007. The letter requires Kutsche to confirm his intention to appear for the interview on or before June 28, 2007. This letter also required Kutsche to provide all previously requested information requested by the staff that had not yet been provided by July 5, 2007. The letter also requests additional information with respect to the new address provided by Kutsche himself. Copies of all previous request letters were enclosed.	6/29/2007 and 07/05/2007	NO	Correspondence sent via certified mail was returned to the District office on July 18, 2007. The copy sent via regular mail was not returned.

6/21/2007	[REDACTED]	Regular and Certified U.S. Mail (# 7005 1160 0000 7001 2769)	Notice to Kutsche notifying him of OTR scheduled for July 20, 2007. The letter requires Kutsche to confirm his intention to appear for the interview on or before June 29, 2007. This letter also required Kutsche to provide all previously requested information requested by the staff that had not yet been provided by July 3, 2007. The letter also requests additional information with respect to the new address provided by Kutsche himself. Copies of all previous request letters were enclosed.	6/29/2007 and 07/05/2007	NO	Correspondence sent via certified mail was returned to the District office on July 18, 2007. The copy sent via regular mail was not returned.
6/21/2007	[REDACTED]	email	Sent 11:01 A.M. copy of 8210 request	06/29/2007 and 07/05/2007	NO	No response to email provided
7/6/2007	[REDACTED]	Regular and Certified U.S. Mail (# 7005 1160 0000 7001 2912)	Kutsche failed to respond to previous letter regarding OTR scheduled for July 20, 2007. Second letter sent to confirm date and request all previously requested information be provided. Copies of all previous request letters were enclosed.	7/13/2007	NO	Correspondence sent via certified mail was returned to the District office on August 3, 2007 marked "Unclaimed". The copy sent via regular mail was not returned.
7/6/2007	[REDACTED]	Regular and Certified U.S. Mail (# 7005 1160 0000 7001 2752)	Kutsche failed to respond to previous letter regarding OTR scheduled for July 20, 2007. Second letter sent to confirm date and request all previously requested information be provided. Copies of all previous request letters were enclosed.	7/13/2007	NO	Correspondence sent via certified mail was returned to the District office on August 13, 2007 marked "Unclaimed". The copy sent via regular mail was not returned.
7/6/2007	[REDACTED]	Regular and Certified U.S. Mail (# 7005 1160 0000 7001 2769)	Kutsche failed to respond to previous letter regarding OTR scheduled for July 20, 2007. Second letter sent to confirm date and request all previously requested information be provided. Copies of all previous request letters were enclosed.	7/13/2007	NO	Correspondence sent via certified mail was returned to the District office on August 13, 2007 marked "Unclaimed". The copy sent via regular mail was not returned.