

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

ARMANDO JARAMILLO, JR.
(CRD No. 4427980),

Respondent.

Disciplinary Proceeding
No. 20070080858-01

DEFAULT DECISION

Hearing Officer – SW

Dated: December 5, 2008

Respondent is barred from associating with any FINRA member firm in any capacity for: (1) engaging in unethical conduct in dealing with a customer, in violation of Conduct Rule 2110; and (2) failing to respond to requests for information from FINRA staff, in violation of Conduct Rule 2110 and Procedural Rule 8210.

Appearances

Lara C. Thyagarajan, Esq., Senior Regional Counsel, New York, NY, for
the Department of Enforcement.

No appearance by or for Armando Jaramillo, Jr.

DECISION

I. Introduction

On June 23, 2008, FINRA's Department of Enforcement ("Enforcement") filed the attached two-count Complaint against Respondent Armando Jaramillo, Jr. ("Respondent"). The first count of the Complaint alleges that, while associated with FINRA member firm Great Eastern Securities, Inc. ("Great Eastern"), Respondent violated Conduct Rule 2110 by engaging in unethical conduct when he: (i) induced customer CH to provide funds for an investment by falsely describing the investment as risk-free with a guaranteed 35% return payable in ten weeks; (ii) pacified CH with false promises of repayment; and (iii) failed to repay CH the investment until two years after

the guaranteed time of repayment. The second count of the Complaint alleges that Respondent violated Conduct Rule 2110 and Procedural Rule 8210 when he failed to respond to requests for information issued by FINRA staff.

On September 18, 2008, Enforcement filed a Motion for Entry of Default Decision ("Motion"), supported by the Declaration of Lara C. Thyagarajan, Esq., Senior Regional Counsel in FINRA's New York, NY office, and 24 exhibits. On November 7, 2008, Enforcement filed a Supplemental Motion. For the reasons set forth below, the Hearing Officer grants Enforcement's Motion, as supplemented.

II. Respondent's Default

On June 23, 2008, Enforcement served the Complaint and Notice of Complaint on Respondent, via certified and first-class mail, at his last known residential address shown in the Central Registration Depository ("New York CRD address") and at a prior residential address shown in CRD ("Peru CRD address").¹ On July 23, 2008, Enforcement served the Complaint and Second Notice of Complaint on Respondent, via certified and first-class mail, at his New York CRD address and the Peru CRD address. Respondent failed to file an Answer to the allegations of the Complaint.

The Hearing Officer finds that Enforcement complied with Procedural Rule 9134(b)(1) by sending the mailings to Respondent's CRD addresses.² Accordingly, the Hearing Officer finds that Respondent received effective constructive notice of this proceeding and defaulted by failing to answer the Complaint.³

¹ Respondent's residential address was in Lima, Peru, until October 2005.

² See *Dep't of Enforcement v. Verdiner*, No. CAF020004, 2003 NASD Discip. LEXIS 42, at * 5 n.1 (NAC Dec. 9, 2003) (finding that respondent received constructive notice when complaint was mailed to respondent's CRD address).

³ The factual determinations in this Decision are based on the Motion for Entry of Default Decision, as supplemented, the Declaration in Support of the Motion, the exhibits attached thereto, and the allegations in the Complaint, deemed admitted pursuant to Rules 9215(f) and 9269, and *Notice to Members* 99-77 (Sept. 1999).

III. Findings of Fact and Conclusions of Law

A. Jurisdiction

Respondent was registered with Great Eastern as a foreign associate from October 5, 2004 through July 29, 2005. Subsequently, Respondent became registered as a foreign associate with Orion Trading LLC ("Orion") on September 29, 2005.⁴ On August 22, 2007, Orion filed a uniform termination notice for securities industry registration, disclosing that Respondent's last day of employment with Orion was July 20, 2007. Respondent is not currently associated with any FINRA member.

Respondent remains subject to FINRA jurisdiction for purposes of this proceeding, pursuant to Article V, Section 4 of the FINRA By-Laws, because (1) the Complaint was filed within two years after his registration via Orion was terminated, and (2) the Complaint charges him with misconduct while he was registered with a FINRA member, and failure to provide information requested pursuant to Rule 8210 while registered and during the period of retained jurisdiction.

B. Respondent Engaged in Unethical Conduct

The first cause of the Complaint alleges that while registered with Great Eastern, Respondent sent a letter on Great Eastern letterhead from New York, NY, to CH, a Great Eastern customer located in Mexico, dated April 4, 2005, confirming a telephone offer to pay CH a 35% return on an investment of \$20,000 at the end of a ten-week term.⁵ In the letter, Respondent advised CH that the "investment" was risk free, and that CH "should

⁴ As a foreign associate, Respondent is subject to Rule 1100, which provides, among other things, that service of process for any proceeding instituted by FINRA in respect to such person may be sent to an address designated by the member. Rule 1100 was amended in 1995 to provide that persons designated as foreign associates are registered persons and must file Form U4 registration applications signed by the member firm. See *Notice to Members* 95-37. The member firm's signature on the Form U4 to register a foreign associate constitutes a designation of the foreign associate's CRD address as the address designated by the member for purposes of Rule 1100. See Enforcement's November 7, 2008 Supplemental Motion.

⁵ The nature of the investment was left unclear.

not worry at all."⁶ Per Respondent's instructions, customer CH wired \$20,000 on April 20, 2005, from his Mexican bank to Respondent's personal bank account at Fleet National Bank in New York, NY. On June 7, 2005, ten weeks after CH provided Respondent with the funds, CH inquired about the status of his investment. On July 6, 2005, Respondent falsely asserted that repayment had been made. Subsequently, in mid-July 2005, Respondent sent a personal check on a Bank of New York bank account to CH for \$27,000, which did not clear because of insufficient funds.

On November 7, 2005, Respondent agreed in writing to pay \$28,000 to CH in two installments. Respondent sent CH two checks drawn on the account of a third person, RYG, which totaled \$28,000, but the checks could not be deposited in CH's Mexican bank account because of the limits on dollar amounts from foreign deposits.

Respondent sent seven subsequent checks (\$4,000 each) totaling \$28,000 to CH drawn on RYG's Citibank bank account, but Respondent informed CH that RYG did not have sufficient funds in the account to cover the checks.

In January 2006, CH again demanded the return of his investment. On January 27, 2006, Respondent sent CH a \$2,000 international money gram as partial repayment. In July 2006, CH traveled to New York City from Mexico, located Respondent at Orion, in New York City, and accepted \$16,000 in cash from Respondent as partial repayment. In May 2007, CH received another \$1,000 in cash from a friend of Respondent, and in June 2007, Respondent wired \$8,000 into CH's bank account. Accordingly, by June 2007, CH recovered \$27,000 from Respondent, two years late.

⁶ All written communications between CH and Respondent that were obtained were written in Spanish. FINRA staff had these communications translated to English by Atkinson-Baker, a court reporting service.

Conduct Rule 2110 states, “[a] member, in the conduct of his business, shall observe high standards of commercial honor and just and equitable principles of trade.”⁷ Because Conduct Rule 2110 “is not limited to rules of legal conduct but rather . . . it states a broad ethical principle,”⁸ it may be violated by unethical conduct, independent of a violation of any other law, regulation, or rule.

Respondent acted unethically and failed to deal fairly with customer CH because of the following actions: (i) Respondent’s statements to CH that the investment was risk-free and would be returned to him in ten weeks were false; (ii) Respondent made the offer on Great Eastern letterhead when there was no evidence that Great Eastern knew about or approved the investment; (iii) Respondent told CH that he had sent payment to CH when he had not; (iv) Respondent sent checks to CH payable from RYG’s account when Respondent knew the RYG account had insufficient funds; (v) Respondent generally disregarded CH’s repeated requests for the return of his funds; and (vi) Respondent returned CH’s investment two years later than promised.

The allegations in the first cause of the Complaint and the evidence submitted by Enforcement are sufficient to establish that Respondent violated Conduct Rule 2110 by engaging in unethical conduct when he lied to CH about the terms of the investment and about the repayment of the investment.

C. Respondent Failed to Respond to Rule 8210 Requests for Information from FINRA

During a routine examination of Great Eastern, FINRA staff discovered that multiple customer complaints had been filed against Respondent, alleging, among other

⁷ Although Rule 2110 refers only to members, Rule 0115 provides: “Persons associated with a member shall have the same duties and obligations as a member under these Rules.”

⁸ *Timothy L. Burkes*, 51 S.E.C. 356 (1993), *aff’d mem.*, *Burkes v. SEC*, 29 F.3d 630 (9th Cir. July 24, 1994).

things, churning, excessive trading, and misappropriation of customer funds.

Accordingly, FINRA staff commenced an investigation.

The second cause of the Complaint alleges that Respondent failed to respond to written requests for information issued to Respondent to obtain information concerning the multiple customer complaints, including customer CH's complaint as set forth in count one of the Complaint.

Specifically, on June 19, 2007, FINRA staff sent the first request for information, via first-class mail, in accordance with Procedural Rule 8210, to Respondent at his New York and Peru CRD addresses, at his employer Orion's address in Florida, and at Orion's main address in New York.⁹

On June 27, 2007, FINRA staff received a telephone call from an attorney representing Respondent who requested an extension of the deadline to respond. FINRA staff extended the deadline from July 3, 2007 to July 23, 2007, for Respondent to respond to FINRA's request for information. Respondent did not respond to the request for information by the July 23, 2007 extended deadline.

On July 25, 2007, pursuant to Rule 8210, FINRA staff sent a second request for information via first-class and certified mail to Respondent's New York CRD address and the New York Orion address. The second request was also sent to Respondent via first-class mail at the Florida Orion address, and via international registered mail at the Peru CRD address.¹⁰

On August 2, 2007, FINRA staff sent a third and final request for information to Respondent's New York CRD address, via first-class and certified mail, and to his Peru

⁹ FINRA staff also sent a courtesy copy of the request for information to Orion's president.

¹⁰ FINRA staff also sent courtesy copies of the request for information to Orion's president and Respondent's attorney.

CRD address, via first-class and international registered mail, pursuant to Rule 8210.¹¹

Respondent failed to respond to any of the requests for information.

The Hearing Officer finds that Respondent is deemed to have received the three requests for information sent to his CRD addresses pursuant to Rule 8210(d). Failure to comply with Rule 8210 requests for information is a serious violation because it subverts FINRA's ability to perform its regulatory responsibilities.¹²

Based on the allegations deemed admitted, the Hearing Officer finds that Respondent violated Conduct Rule 2110 and Procedural Rule 8210 as alleged in the second cause of the Complaint.

IV. Sanctions

A. Respondent Engaged in Unethical Conduct

In connection with the first count of the Complaint, engaging in unethical conduct in violation of Conduct Rule 2110, Enforcement stated that there are no directly applicable sanction guidelines for Respondent's violation. Arguing, however, that Respondent's conduct was egregious and that there was no evidence of any mitigating factors, Enforcement recommended that Respondent be fined \$10,000 and suspended from association with any FINRA member firm for a period of 12 months for the Conduct Rule 2110 violation.

The Hearing Officer agrees that Respondent's conduct was egregious because Respondent: (i) induced customer CH to send him money for a purported risk-free investment with false statements; (ii) knowingly sent multiple repayment checks to CH

¹¹ Prior to August 2, 2007, Respondent terminated his employment with Orion. FINRA staff also sent a courtesy copy of the third request for information to Respondent's attorney.

¹² See, e.g., *Richard J. Rouse*, Exch. Act Rel. No. 32,685, 1993 SEC LEXIS 1831, at *7 (1993); *Joseph G. Chiulli*, Exch. Act Rel. No. 42,359, 2000 SEC LEXIS 112, at *16 (Jan. 28, 2000) (noting that Rule 8210 provides a means for FINRA to conduct its investigations effectively, and emphasizing that FINRA members and associated persons must fully cooperate with requests for information).

on an account with insufficient funds; (iii) ignored CH's request for the return of his funds; and (iv) retained those funds for two years instead of the ten weeks that was promised. Based on Respondent's cavalier attitude with regard to customer CH's funds, the Hearing Officer finds that there is a danger that Respondent will repeat his misconduct, and therefore finds that Respondent is a danger to the investing public. Accordingly, the Hearing Officer concludes that Respondent should be barred from associating with any FINRA member firm in any capacity for violating Conduct Rule 2110.

B. Respondent Failed to Respond to Rule 8210 Requests for Information

For failing to respond to the three requests for information issued by FINRA staff pursuant to Rule 8210 as alleged in count two of the Complaint, the *FINRA Sanction Guidelines* recommend the imposition of a bar unless mitigating circumstances exist warranting a lesser sanction.¹³ Here, the record discloses no mitigating factors. Accordingly, a bar is the appropriate sanction for the violation set forth in the second cause of the Complaint.

V. Order

Respondent Armando Jaramillo, Jr., is barred from associating with any FINRA member firm in any capacity for: (1) acting unethically in dealing with customer CH, in violation of Conduct Rule 2110; and (2) failing to respond to requests for information issued by FINRA staff, in violation of Conduct Rule 2110 and Procedural Rule 8210. The bars will become effective immediately if this Default Decision becomes FINRA's

¹³ *FINRA Sanction Guidelines*, p. 35 (2007), available at <http://www.finra.org/web/groups/industry/@ip/@enf/@sg/documents/industry/p011038.pdf>.

final disciplinary action in this proceeding.

Sharon Witherspoon
Sharon Witherspoon
Hearing Officer

Dated: Washington, DC
December 5, 2008

Copies to:

Armando Jaramillo, Jr. (via FedEx and first-class mail)
Lara C. Thyagarajan, Esq. (via electronic and first-class mail)
Mark P. Dauer, Esq. (via electronic and first-class mail)
David R. Sonnenberg, Esq. (via electronic and first-class mail)

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
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DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

ARMANDO JARAMILLO, JR.
(CRD No. 4427980),

Respondent.

DISCIPLINARY PROCEEDING
No. 20070080858-01

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. This complaint arises from Respondent Armando Jaramillo, Jr.'s failure to observe high standards of commercial honor and just and equitable principles of trade in his dealings with a customer, CH. Specifically, in April 2005, Jaramillo made an "investment offer" to CH wherein Jaramillo represented that if CH invested \$20,000 with him he would be guaranteed a 35 per cent return (\$7,000) at the end of a ten (10) week term (equaling a \$27,000 total return including principal and interest). While Jaramillo guaranteed that the investment would be risk-free and would result in a 35 per cent return in 10 weeks, Jaramillo did not meet his obligations to return the principal and proceeds at the close of the term. Instead, over the course of two years from the end of the term, Jaramillo made numerous excuses to CH for why CH had not received his money, sent CH a personal check that was returned for insufficient funds and nine other checks which Jaramillo told

CH he would not be able to cash due to insufficient funds. CH had to travel from his home country of Mexico to New York to obtain partial repayment and was not fully repaid on the "risk-free" investment offer until two years after the time he was guaranteed to receive the return of his funds. Based on Jaramillo's course of conduct, he failed to observe high standards of commercial honor and just and equitable principles of trade. Additionally, Respondent failed to respond to requests for information from the FINRA Staff.

JURISDICTION

2. Respondent Armando Jaramillo, Jr. ("Jaramillo") first became registered with FINRA, (formerly known as NASD) as a Foreign Associate (FA) on or about July 13, 2001.
3. Jaramillo was registered as an FA with three FINRA member firms between July 2001 and June 2007. Between December 17, 2003 and July 29, 2005, Jaramillo was registered as an FA through his association with Great Eastern Securities, Inc (BD No. 2061) ("Great Eastern").
4. Jaramillo became registered as an FA through his association with Orion Trading LLC (BD No. 290944) ("Orion") on or about September 29, 2005. On August 22, 2007, Orion filed a Uniform Termination Notice for Securities Industry Registration ("Form U-5") concerning Jaramillo. The Form U-5 disclosed that Jaramillo's last day of employment with Orion was July 20, 2007.
5. Currently, Jaramillo is not associated with any FINRA member firm. However, FINRA retains jurisdiction over Jaramillo pursuant to Article V, Section 4 of its By-Laws.

FIRST CAUSE OF ACTION
(Violation of NASD Conduct Rule 2110)

6. The Department realleges and incorporates by reference paragraphs 1 through 5, above.
7. On or about April 4, 2005, while registered as an FA with Great Eastern, Jaramillo sent a letter, on Great Eastern letterhead, to Great Eastern customer CH in which Jaramillo offered to pay CH a 35 per cent return on an investment of \$20,000 at the end of a 10 week term (for a total of \$27,000). Jaramillo did not place any contingencies on the return of funds to CH. The nature of the investment was left unclear. Jaramillo informed CH in the April 4th letter that the "investment" was risk free and that CH "should not worry at all."
8. Jaramillo told CH that an account had been opened at Great Eastern's clearing firm in CH's name, and that CH should transfer funds for the investment directly to that account. CH attempted to transfer funds directly from his bank to the clearing firm, but the transfer could not be completed.
9. On or about April 19, 2005, Jaramillo instructed customer CH, in writing, to wire \$20,000 for the above investment offer to a personal bank account in Jaramillo's own name. On or about April 20, 2005, customer CH wired \$20,000 from his bank to Jaramillo's bank per the wire instructions Jaramillo provided to him.
10. On or about June 27, 2005, 10 weeks after CH wired \$20,000 to Jaramillo's bank account, CH sent Jaramillo an e-mail inquiring about the location of his \$20,000 as it did not appear on his account statement. On or about July 5, 2005, CH inquired again about

the status of his \$20,000 investment and noted that he still had not received any payment on the deposit of the capital plus interest.

11. On July 6, 2005, Jaramillo replied to CH via e-mail stating that CH's "capital" had been paid five days beforehand. Contrary to Jaramillo's statement, no payment had been made by this time to CH. CH contacted Jaramillo several times via telephone and e-mail to request the return of his investment, plus interest, and did not receive payment.
12. In mid-July 2005, Jaramillo sent a personal check to CH in the amount of \$27,000. CH deposited the check but it bounced. Jaramillo's account had insufficient funds to cover the amount of the check.
13. On or about October 7, 2005, CH complained to Jaramillo that he still had not received the payments from the CH investment; an investment which had been guaranteed to be risk-free and payable after 10 weeks.
14. On or about November 7, 2005, Jaramillo entered into a payment agreement (the "November Payment Agreement") under which Jaramillo agreed to pay \$28,000 back to CH in two installments to be made in November and December 2005.
15. In November and December 2005, Jaramillo sent nine personal checks drawn on an account for a third party, RYG, (the "RYG checks"). According to Jaramillo, RYG worked for Orion, the firm with which Jaramillo was then associated. On information and belief, RYG was never associated with Orion.
16. The first two RYG checks totaled \$28,000 but could not be deposited at CH's bank because of limits on dollar amounts for foreign deposits. Seven subsequent checks (\$4,000.00 each) totaling \$28,000 were sent to CH but were not deposited because

Jaramillo informed CH that RYG's bank account did not have sufficient funds to cover the checks.

17. In January 2006, CH again demanded that Jaramillo return the CH investment. On January 5, 2006, Jaramillo requested CH's banking coordinates in order to send payments directly to the bank. Jaramillo did not return the principal and proceeds of CH's investment at this time. Instead, on or about January 27, 2006, Jaramillo sent an International Moneygram to CH in the amount of \$2,000.
18. During the period between January 2006 and July 2006, CH attempted to reach Jaramillo to obtain further payments but Jaramillo failed to respond to CH's e-mails or telephone calls.
19. In July 2006, CH traveled to New York City in order to locate Jaramillo and attempt to recover his money. He was able to locate Jaramillo and shortly thereafter Jaramillo came to CH's hotel and paid CH \$16,000 in cash. CH was unable to obtain any further payments from Jaramillo until May 2007. In May 2007, a friend of Jaramillo went to Mexico to give CH \$1,000 in cash. In June 2007, Jaramillo wired \$8,000 to CH's bank account.
20. By June 2007, two years after the expiration of the term of CH's investment, CH finally recovered \$27,000 from Jaramillo. \$27,000 was the amount owed to him as of June 2005 (\$20,000 investment, plus 35 per cent interest). CH did not receive any additional interest payments for the two years that Jaramillo did not, but should have returned his funds to him.
21. Jaramillo failed to deal fairly with customer CH based on the facts that, *inter alia*: (i) Jaramillo's statement to CH that his investment was risk free and would be returned to

him in 10 weeks was untrue, (ii) Jaramillo did not return the funds to CH for two years (and it was not a loan), (iii) Jaramillo told CH a payment to CH had been made when it had not, (iv) Jaramillo bounced one check made payable to CH and presented nine additional checks to CH and then told CH there were no funds to cover the checks, and (v) Jaramillo ignored CH's repeated requests for the return of his funds, and only returned the funds once CH was forced to travel from Mexico to New York to seek recovery. Such conduct is inconsistent with high standards of commercial honor and just and equitable principles of trade and constitutes a violation of Conduct Rule 2110 by Jaramillo.

SECOND CAUSE OF ACTION

**(Failure to Respond – Violation of NASD Procedural Rule 8210
and NASD Conduct Rule 2110)**

22. The Department realleges and incorporates by reference paragraphs 1-through-21; above:

The First Request for Information

23. By letter dated June 19, 2007 made pursuant to and in accordance with Rule 8210, the staff of FINRA's District 10 office (the "Staff") requested that Jaramillo submit a written response concerning, among other matters, the allegations of CH (the "First Request"). The First Request was sent via first class mail to Jaramillo's CRD residential address of record [REDACTED]: (the "Peru CRD Residential Address"), and his CRD employment addresses at Orion: 1650 W. Sand Lake Road, Suite 245, Orlando, FL 32809 (the "Florida Orion Address") and 80 Wall Street, Suite 509, New York, NY 10005 (the "New York Orion Address"). Additionally, based on information obtained

- from Orion, the First Request was sent to Jaramillo at [REDACTED] [REDACTED] (the "New York Residential CRD Address"). A courtesy copy of this letter also was sent to the president of Orion. The response was due no later than July 3, 2007. None of the first class envelopes were returned to the Staff by the U.S.P.S.
24. On June 27, 2007, the Staff received a telephone call for the first time for an attorney representing Jaramillo in this matter. Jaramillo's attorney requested an extension of time to respond to the First Request. The Staff extended the response due date from July 3, 2007 to July 23, 2007.
25. On the morning of July 25, 2007, the Staff contacted Jaramillo's attorney as his response was not received by July 23, 2007, as agreed. Jaramillo's attorney indicated he did not know whether Jaramillo would be responding to the First Request. The Staff advised Jaramillo's attorney that if a response from Jaramillo was not received at FINRA by close of business on that date, the Staff would be sending a second request for information pursuant to NASD Procedural Rule 8210. No response was received from either Jaramillo or his counsel.

The Second Request for Information

26. On July 25, 2007, the Staff sent a second request for information made pursuant to NASD Procedural Rule 8210 (the "Second Request"). The Second Request was sent via first class and certified mail to the New York Residential CRD Address and the New York Orion Address. The Second Request also was sent via first class and international registered mail to the Peru CRD Address and the Florida Orion Address. A courtesy copy of the Second Request also was sent to the president of Orion and to Jaramillo's attorney. The response was due no later than August 1, 2007.

27. Jaramillo failed to respond to the Second Request. None of the first class envelopes were returned to the Staff by the USPS. The certified envelopes addressed to the New York Orion Address and the Florida Orion Address were not returned by the U.S.P.S. The certified envelope addressed to the New York residential CRD Address was returned by the U.S.P.S. and marked "Other." The envelope sent via international registered mail to Peru CRD Address was returned by the U.S.P.S. and marked "No Reclamado" (unclaimed).

The Third Request for Information

28. On August 2, 2007, the Staff sent a third and final request for information made pursuant to NASD Procedural Rule 8210 (the "Third Request"). The Third Request was sent via first class and certified mail to the New York Residential CRD Address and via first class and international registered mail to the Peru CRD Address. A courtesy copy of the Third Request also was sent to Jaramillo's attorney. The response was due no later than August 9, 2007.

29. Jaramillo failed to respond to the Third Request. Neither of the first class mail envelopes was returned by the U.S.P.S. The certified envelope addressed to the New York Residential CRD Address was returned by the U.S.P.S. and marked "Unclaimed." The envelope sent via international registered mail to the Peru CRD Address was returned by the U.S.P.S. and marked "No Reclamado" (unclaimed).

By reason of the foregoing, Jaramillo violated NASD Procedural Rule 8210 and NASD Conduct Rule 2110.

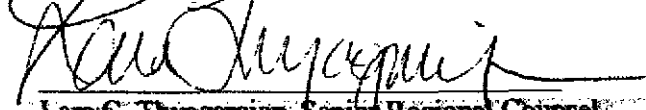
RELIEF REQUESTED

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.
- 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.

Date: June 23, 2008

**FINRA DEPARTMENT OF
ENFORCEMENT**



Lara C. Thyagarajan, Senior Regional Counsel
David M. Jaffe, AVP and Regional Chief
Counsel

FINRA Department of Enforcement
One Liberty Plaza, 48th Floor
New York, NY 10006

Phone: 212-858-4000; Fax: 212-858-4770

E-mail: lara.thyagarajan@finra.org