

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

JAMES ECKES  
(CRD No. 4158141),

Respondent.

Disciplinary Proceeding  
No. 20070084019-01

Hearing Officer—Andrew H. Perkins

**DEFAULT DECISION**

May 5, 2009

**The Respondent is barred from associating with any member firm in any capacity for failing to respond to requests for information, in violation of Conduct Rule 2110 and Procedural Rule 8210. In light of the bar, no additional sanctions were imposed for the Respondent's unauthorized use of a personal e-mail account and unauthorized trading in a customer's account. Respondent is ordered to pay restitution of the loss sustained from the unauthorized trades.**

**Appearances**

Jeff Kern, Senior Regional Counsel, New York, NY (Mark P. Dauer, New Orleans, LA, Of Counsel) for the Department of Enforcement.

No appearance by or for James Eckes.

**DECISION**

**I. Introduction**

The Department of Enforcement ("Enforcement") for the Financial Industry Regulatory Authority ("FINRA") initiated this disciplinary proceeding following an investigation to determine if Respondent James Eckes ("Eckes") had engaged in unauthorized trading in customer AB's account at member firm J.P. Turner & Company,

LLC ("J.P. Turner") and churning in customer PW's account at member firm Westrock Advisors, Inc. ("Westrock").

Upon completion of the investigation, Enforcement filed a Complaint (attached to this Default Decision as Exhibit A) on December 22, 2008. The Complaint contains three causes of action. The First Cause of Action alleges that Eckes violated NASD Conduct Rule 2110 by initiating two unauthorized trades in AB's account at J.P. Turner on August 24, 2006. The second cause of action alleges that Eckes violated Conduct Rule 2110 by using his personal e-mail account to send communications to customer PW in violation of Westrock's written policy prohibiting its registered representatives from using personal e-mail accounts for firm business without first obtaining the firm's permission. The final cause of action alleges that Eckes violated Procedural Rule 8210 and Conduct Rule 2110 by failing to respond to five requests that he appear and provide testimony in connection with the investigation by FINRA Staff ("Staff") into the foregoing allegations of improper conduct.<sup>1</sup>

Eckes did not answer or otherwise respond to the Complaint. Consequently, on March 18, 2009, Enforcement filed a Motion for Entry of Default Decision and Imposition of Sanctions, supported by the Declaration of Jeff Kern ("Kern Decl.") and 17 exhibits. Eckes did not reply to the motion.<sup>2</sup>

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<sup>1</sup> As of July 30, 2007, NASD consolidated with the member regulation and enforcement functions of NYSE Regulation and began operating under a new corporate name, the Financial Industry Regulatory Authority (FINRA). References in this decision to FINRA include, where appropriate, NASD. Following consolidation, FINRA began developing a new FINRA Consolidated Rulebook. The first phase of the new consolidated rules became effective on December 15, 2008, including certain conduct rules and procedural rules. See Regulatory Notice 08-57 (Oct. 2008). This decision refers to and relies on the NASD Conduct Rules that were in effect at the time of Respondent's alleged misconduct. The applicable rules are available at [www.finra.org/rules](http://www.finra.org/rules).

<sup>2</sup> The factual determinations in this decision are based on the allegations of the attached Complaint, which are deemed admitted, as well as additional materials filed by Enforcement.

## **II. Findings of Fact and Conclusions of Law**

### **A. Respondent's Default**

The Hearing Officer finds that Enforcement properly served Eckes 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") in accordance with FINRA Procedural Rule 9134(b)(1). Enforcement mailed the Complaint and First Notice of Complaint to Eckes by first-class and certified mail on December 22, 2008. Enforcement also mailed the Complaint and First Notice of Complaint to Eckes at an alternate address Enforcement uncovered through an on-line search. The mailings sent to the CRD Address were returned by the United States Postal Service. The first-class mailing sent to the alternate address was not returned, and the Staff received the return receipt for the certified mail sent to the alternate address signed by "James Eckes" and reflecting that the mailing was delivered on December 27, 2008.<sup>3</sup>

Enforcement mailed the Complaint and Second Notice of Complaint to Eckes' CRD Address and the alternate address by first-class and certified mail on January 22, 2009. As before, the mailings sent to the CRD Address were returned to the Staff by the United States Postal Service. The mailings sent to the alternate address were not returned. In addition, the Staff received the return receipt for the certified mailing sent to the alternate address signed by "James Eckes" and reflecting that the mailing was delivered on January 24, 2009.<sup>4</sup>

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<sup>3</sup> CX-14.

<sup>4</sup> CX-17.

The Second Notice of Complaint sent to Eckes stated that he was required to answer the Complaint by February 9, 2009. To date, Eckes has not filed an answer with the Office of Hearing Officers or otherwise responded to the Complaint.<sup>5</sup>

The Hearing Officer finds that Eckes received constructive and actual notice of this proceeding and that he therefore defaulted by failing to answer the Complaint.<sup>6</sup> 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.

#### **B. Jurisdiction**

Eckes entered the securities industry and became registered as a General Securities Representative in 2000.<sup>7</sup> In October 2001, he joined J.P. Turner. He was registered as a General Securities Representative through J.P. Turner from October 19, 2001, until April 25, 2005.<sup>8</sup> Thereafter, he joined Westrock where he was registered as a General Securities Representative from April 21, 2005, until March 23, 2006.<sup>9</sup> Eckes then left Westrock and returned to J.P. Turner. During his second tenure with J.P. Turner, Eckes was registered as a General Securities Representative from March 17, 2006, until June 28, 2007.<sup>10</sup>

Although Eckes has not been registered with FINRA since June 28, 2007, he remains subject to FINRA's jurisdiction for purposes of this proceeding pursuant to Article V,

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<sup>5</sup> Kern Decl., ¶ 46.

<sup>6</sup> *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 (9<sup>th</sup> Cir. Aug. 12, 1998)).

<sup>7</sup> CX-1.

<sup>8</sup> *Id.* at 4.

<sup>9</sup> *Id.* at 3.

<sup>10</sup> *Id.* at 2.

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.<sup>11</sup>

### **C. Unauthorized Transactions**

The First Cause of Action alleges that Eckes initiated two trades in AB's account at J.P. Turner on August 18, 2006, without AB's knowledge or consent six days after AB had submitted a written request to J.P. Turner's clearing firm that his account be transferred to another firm. The first unauthorized trade involved a sale of 1510 shares of Infosonics Corp. for \$8,643, and the second trade involved the purchase of 3000 shares of Home Solutions America at a cost of \$17,739.<sup>12</sup> After AB discovered the unauthorized trades, he sold all of the Home Solutions America shares in his account, resulting in a net loss of \$1,611.<sup>13</sup>

The Hearing Officer finds that the allegations of the First Cause of Action are sufficient to establish for the purposes of this proceeding that Eckes violated NASD Conduct Rule 2110 by executing unauthorized transactions in AB's account.<sup>14</sup>

### **D. Unauthorized E-Mail Communications**

The Second Cause of Action alleges that Eckes used his personal e-mail account to send a series of messages to PW between December 2005 and March 2006 without obtaining

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<sup>11</sup> Article V, Sec. 4(a), FINRA By-Laws, available at [www.finra.org/rules](http://www.finra.org/rules) (then follow "FINRA Manual" hyperlink to "Corporate Organization: Bylaws").

<sup>12</sup> Kern Decl. ¶ 19.

<sup>13</sup> *Id.* ¶ 22.

<sup>14</sup> *Dep't of Enforcement v. Sears*, No. C07050042, 2007 NASD Discip. LEXIS 26, at \*9-10 (N.A.C. Sept. 24, 2007); IM-2310-2(b)(4)(iii).

permission from Westrock's compliance department.<sup>15</sup> The messages concerned activity in PW's securities account. During this period, Westrock's written procedures prohibited its registered representatives from using their personal e-mail accounts to communicate with customers without first obtaining the permission from the firm's compliance department. Further, if Westrock granted permission, the registered representative was required to connect the personal e-mail account to Westrock's server so that it could review any communications sent to or received from Westrock's customers.<sup>16</sup>

The Hearing Officer finds that the allegations of the second cause of action are sufficient to establish for the purposes of this proceeding that Eckes violated NASD Conduct Rule 2110 by using his personal e-mail account to communicate with a customer.<sup>17</sup>

**E. Failure to Respond to Information Requests**

The Third Cause of Action alleges that Eckes failed to respond to five written requests that he provide information in connection with the Staff's investigation of his activities at J.P. Turner and Westrock.<sup>18</sup> FINRA Staff ("Staff") sent each request to Eckes at his CRD Addresses pursuant to Procedural Rule 8210.

The first three requests dated July 23, August 8, and August 17, 2007, requested information concerning the allegations of unauthorized trading in AB's account and the use of an unauthorized e-mail account to correspond with PW. These requests followed up an initial request for information the Staff sent on May 9, 2007, to which Eckes had responded

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<sup>15</sup> Kern Decl. ¶ 24-25; CX-4.

<sup>16</sup> Kern Decl. ¶ 24; CX-5.

<sup>17</sup> Cf. *Dep't of Enforcement v. Zaragoza*, No. E8A2002109804, 2008 FINRA Discip. LEXIS 28, at \*26-27 (N.A.C. Aug. 20, 2008) (holding that the failure to submit e-mail correspondence for review and approval is activity inconsistent with high standards of commercial honor and just and equitable principles of trade, which is a violation of Rule 2110).

<sup>18</sup> Kern Decl. ¶¶ 28-29.

in writing on May 25, 2007, denying any wrongdoing.<sup>19</sup> Eckes did not respond to any of these requests.<sup>20</sup>

On September 25, 2007, the Staff sent Eckes a request that he appear and provide testimony on October 11, 2007.<sup>21</sup> The Staff sent this request by first-class and certified mail. The first-class mailing was not returned; however, the certified mail was returned to the Staff by the United States Postal Service marked, "unclaimed." Eckes did not appear for his on-the-record interview on October 11, 2007. Accordingly, on October 11, 2007, the Staff sent Eckes a request by first-class and certified mail that he appear October 26, 2007, for an on-the-record interview.<sup>22</sup> Once again the United States Postal Service returned the certified mailing marked, "unclaimed," but not the first-class mailing. Eckes did not appear on October 26, 2007.<sup>23</sup> To date, Eckes has not responded to the foregoing five requests for information.<sup>24</sup>

The Hearing Officer finds that the allegations in the Third Cause of Action are sufficient to establish that Eckes violated Procedural Rule 8210 and Conduct Rule 2110 by failing to provide information in connection with FINRA's investigation of his alleged misconduct at J.P. Turner and Westrock.

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<sup>19</sup> Kern Decl. ¶ 28.

<sup>20</sup> *Id.* ¶¶ 30-32.

<sup>21</sup> *Id.* ¶ 33.

<sup>22</sup> *Id.* ¶ 34.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* ¶ 35.

### **III. Sanctions**

#### **A. Unauthorized Trading**

For a violations of Conduct Rule 2110 based on unauthorized transactions, the FINRA Sanction Guidelines (“Sanction Guidelines”) begin by recommending a fine of \$5,000 to \$75,000. The Sanction Guidelines also recommend considering a suspension in any or all capacities for a period of ten business days to one year. In egregious cases, the Sanction Guidelines recommend a longer suspension of up to two years, or a bar. In addition, there are two specific considerations to determine sanctions in unauthorized transaction cases—whether the respondent misunderstood his authority, and whether the unauthorized trading was egregious.<sup>25</sup>

FINRA has identified three categories of egregious unauthorized trading: (1) quantitatively egregious unauthorized trading (i.e., unauthorized trading that is egregious because of the sheer number of unauthorized trades executed); (2) unauthorized trading accompanied by aggravating factors, such as efforts to conceal the unauthorized trading, attempts to evade regulatory investigative efforts, customer loss, or a history of similar misconduct; and (3) qualitatively egregious unauthorized trading, which is measured by the strength of the evidence and the respondent’s motives in effecting the trades (i.e., whether the respondent acted in bad faith or as a result of a reasonable misunderstanding).<sup>26</sup>

Applying the foregoing Sanction Guidelines, the Hearing Officer finds that Eckes’ violation was serious. Unauthorized trading is a “fundamental betrayal of the duty owed by a

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<sup>25</sup> FINRA Sanction Guidelines at 103 (2007), available at <http://www.finra.org/web/groups/enforcement/documents/enforcement/p011038.pdf>.

<sup>26</sup> See *District Bus. Conduct Comm. v. Hellen*, No. C3A970031, 1999 NASD Discip. LEXIS 22, at \*15-24 (N.A.C. June 15, 1999).

salesman to his customers.”<sup>27</sup> In addition, there is no evidence in the record to support a finding that Eckes misunderstood his trading authority for AB’s account. Indeed, AB was in the process of moving his account to another firm because he was dissatisfied with Eckes. Under these circumstances, Eckes would have no basis to claim that he believed AB had authorized the trades. On the other hand, the Hearing Officer finds that the unauthorized trading was not egregious. Eckes conduct involved only two unauthorized trades and was, therefore, not quantitatively egregious. In addition, there is no evidence of the kinds of accompanying aggravating misconduct that can qualify unauthorized trading as egregious, nor is there evidence of bad faith that can lead to a finding that unauthorized trading was qualitatively egregious.<sup>28</sup>

Balancing the foregoing considerations, the Hearing Officer finds that the appropriate sanction for this violation is a \$10,000 fine and a 90-day suspension from associating with any member firm in any capacity. In addition, the Hearing Officer finds that Eckes should be ordered to pay restitution to AB in the amount of \$1,611.<sup>29</sup>

#### **B. Unauthorized E-Mail Communications**

The Sanction Guidelines do not address specifically the unauthorized use of personal e-mail accounts. The Hearing Officer therefore consulted the Sanction Guidelines pertaining to recordkeeping violations, which FINRA has applied previously in a case involving the failure to submit e-mail correspondence for review.<sup>30</sup> Those Sanction Guidelines recommend consideration of a suspension of up to 30 business days and a fine of \$1,000 to \$10,000.<sup>31</sup> In

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<sup>27</sup> *Keith L. DeSanto*, 52 S.E.C. 316, 323 (1995), *aff’d*, 101 F.3d 108 (2d Cir. 1996) (table).

<sup>28</sup> See *Dep’t of Enforcement v. Haq*, No. EL12004026701, 2009 FINRA Discip. LEXIS 3, at \*15, 28-30 (N.A.C. Apr. 6, 2009); *Dep’t of Enforcement v. Griffith*, No. C01040025, 2006 NASD Discip. LEXIS 30, at \*25-26 (N.A.C. Dec. 29, 2006).

<sup>29</sup> *Dep’t of Enforcement v. Haq*, 2009 FINRA Discip. LEXIS 3, at \*32-33.

<sup>30</sup> *Dep’t of Enforcement v. Zaragoza*, 2008 FINRA Discip. LEXIS 28, at \*31.

<sup>31</sup> Sanction Guidelines at 30.

egregious cases, the applicable Sanction Guidelines recommend a fine of \$10,000 to \$100,000 and either a suspension of up to two years or a bar.

In this case, Eckes' use of his personal e-mail account to send six separate communications to PW over the course three months is a serious violation. His firm had issued a clear policy prohibiting the use of personal e-mail accounts without first obtaining permission from the firm's compliance department. In addition, the content of the e-mail strongly suggests that he used his personal account to evade review by his supervisors. For example, in one e-mail he directed PW not to respond to him at his Westrock e-mail address.<sup>32</sup> Eckes told PW that he was using his personal e-mail account to address PW's complaints because he was at home due to his wife's illness, which he did not want anyone at Westrock to know. When viewed in the context that PW had grown dissatisfied with Eckes and had asserted that some transactions in his account had not been authorized, Eckes use of his personal e-mail to deal with those complaints is highly suspect.

Given the serious nature of this violation, the Hearing Officer finds that the appropriate sanctions are a 30 business-day suspension from associating with any firm in any capacity and a \$10,000 fine.

**C. Failure to Respond to Requests for Information**

The Sanction Guidelines recommend a bar where a respondent fails to respond in any manner to a request for information issued pursuant to Procedural Rule 8210.<sup>33</sup> Here, Eckes failed to respond in any manner to five written requests that he provide information in connection with the Staff's investigation of his alleged wrongdoing at J.P. Turner and Westrock. There are no mitigating factors that would justify a less severe sanction.

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<sup>32</sup> CX-4, at 7.

<sup>33</sup> Sanction Guidelines at 35.

Accordingly, the Hearing Officer will bar Eckes from associating with any FINRA member in any capacity for violating Procedural Rule 8210 and Conduct Rule 2110.

#### **IV. Order**

James Eckes is barred from association with any member firm in any capacity for his failure to respond to requests for information, in violation of NASD Conduct Rule 2110 and NASD Procedural Rule 8210. The bar will become effective immediately if this Default Decision becomes FINRA's final disciplinary action in this proceeding. In light of the bar, the Hearing Officer will not impose the suspensions and fines for the other two violations. However, Eckes is ordered to pay \$1,611 in restitution to AB, plus interest thereon at the rate of interest established under Section 6621(a)(2) of the Internal Revenue Code from August 18, 2006, until paid.<sup>34</sup>



Andrew H. Perkins  
Hearing Officer

**Copies to:**

James Eckes (by FedEx, next-day delivery, and first-class mail)  
Jeff Kern, Esq. (by first-class and electronic mail)  
David Jaffe, Esq. (by first-class and electronic mail)  
David Sonnenberg, Esq. (by electronic mail)  
Mark P. Dauer, Esq. (by electronic mail)

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<sup>34</sup> 26 U.S.C. § 6621(a)(2). The interest rate, which is used by the Internal Revenue Service to determine interest due on underpaid taxes, is adjusted each quarter and reflects market conditions. Customer AB is identified in the Addendum to this decision. The Addendum is served only on the parties.

**FINANCIAL INDUSTRY REGULATORY AUTHORITY**

**OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,  
COMPLAINANT,

V.

JAMES ECKES (CRD NO. 4158141),  
RESPONDENT.

DISCIPLINARY PROCEEDING  
No. 20070084019

**COMPLAINT**

The Department of Enforcement alleges:

**SUMMARY**

1. Eckes committed three separate violations of NASD rules. First, he violated NASD Rule 2110 by effecting an unauthorized sale and purchase of securities in the account of J.P. Turner & Company, LLC (BD No. 43177) ("J.P. Turner") customer AB, on August 24, 2006, six days after AB had requested the transfer of his account from J.P. Turner.
2. Second, in late 2005 and early 2006, Eckes violated NASD Rule 2110 by communicating with a Westrock Advisors, Inc. (BD No. 114338) ("Westrock") customer via an outside email account without first obtaining permission from the firm to use this account.
3. Third, Eckes violated NASD Rules 8210 and 2110 by failing to provide information and to appear and provide testimony as requested by FINRA staff, pursuant to NASD Procedural Rule 8210, on five separate occasions between July and October of 2007.

4. By engaging in the conduct summarized above and more particularly described below, Eckes violated NASD Conduct Rule 2110 and NASD Procedural Rule 8210.

### **JURISDICTION**

5. Eckes first became registered with FINRA in March 2000 with a member firm as a General Securities Representative.
6. Eckes was then registered at J.P. Turner from October 2001 until April 2005 when he became registered at Westrock. Eckes then left Westrock and returned to J.P. Turner in March 2006. During his second tenure with J.P. Turner, Eckes obtained his General Principal registration.
7. Eckes's registration with J.P. Turner was terminated on June 28, 2007.
8. Eckes is no longer employed in the securities industry. FINRA retains jurisdiction over Eckes pursuant to Article V, Section 4 of the By-Laws.

### **FIRST CAUSE OF COMPLAINT**

(Unauthorized Trading)

Violation of NASD Conduct Rule 2110

9. Paragraphs 1 through 8 of this Complaint are realleged and incorporated herein by reference.
10. Customer AB opened an account with Eckes at J.P. Turner in March 2006.
11. After losing about \$15,000 in this account, AB decided he no longer wanted to have Eckes manage his funds. On August 18, 2006, AB submitted a request to the National Securities Corporation, J.P. Turner's clearing firm, to transfer his account from J.P.

Turner. AB did not inform Eckes of his decision to close his account. Six days later, on August 24, 2006, Eckes initiated the following two trades in AB's account:

- Sale of \$1,510 shares of Infosonics Corp, generating \$8,643 in proceeds
  - Purchase of 3,000 shares of Home Solutions America, ("HSOA") at a cost of \$17,739.
12. AB states that he never spoke to Eckes that day and did not give him authorization or consent to effect these two transactions.
13. AB learned of these two trades when the proceeds he received from closing his account were less than he anticipated based on his knowledge of his holdings. Ultimately, when he complained to J.P. Turner and did not receive any satisfaction, he sold his HSOA position, sustaining a loss of \$1,611.
14. By reason of the foregoing, Eckes violated NASD Conduct Rule 2110.

#### **SECOND CAUSE OF COMPLAINT**

(Unauthorized E-Mail Communications)

Violation of NASD Conduct Rule 2110

15. Paragraphs 1 through 14 of this Complaint are realleged and incorporated herein by reference.
16. In 2005 and 2006, during Eckes employment with the firm, Westrock maintained a policy that required employees to refrain from using outside e-mail accounts without first seeking and obtaining permission from Westrock's compliance department and connecting the outside email account to the firm's server. The firm communicated this policy through e-mails sent periodically to all its employees. The firm sent one such e-mail on August 24, 2005.

17. In violation of this policy, on December 9, 2005, December 10, 2005, December 13, 2005, December 17, 2005, January 11, 2006, and March 13, 2006, Eckes sent e-mails to Westrock customer, PW, from a personal email address.
18. In the e-mail of January 11, 2006, Eckes instructed PW not to respond to him through his Westrock e-mail address because his wife had been diagnosed with breast cancer and he did not want it to become public knowledge at his firm. In this e-mail, Eckes explained how he had frozen PW's account to permit only liquidating transactions and how a particular issuer will be striking a deal within the next few days. This email was sent in response to PW's expression of dissatisfaction to Eckes regarding Eckes's handling of his account.
19. Eckes never sought nor obtained the permission of Westrock's compliance department regarding his use of his private Yahoo e-mail account to communicate with firm customers.
20. By reason of the foregoing, Eckes violated NASD Conduct Rule 2110.

### **THIRD CAUSE OF COMPLAINT**

(Failure to Respond)

Violation of NASD Procedural Rule 8210 and NASD Conduct Rule 2110

21. Paragraphs 1 through 20 of this Complaint are realleged and incorporated herein by reference.
22. On July 23, 2007, FINRA staff sent Eckes a written request via first class mail to provide information pursuant to Rule 8210. This request set an August 6, 2007 response date and was sent to the residential address listed for Eckes in CRD, [REDACTED] (the "CRD address").

23. When the staff did not receive a response from Eckes by the stated deadline, it sent a second request to Eckes's CRD address on August 8, 2007, setting an August 16 response deadline.
24. Eckes failed to meet this deadline and on August 17, 2007, the staff sent a third request.
25. Each of these Rule 8210 requests for information were sent by both certified and first class mail. The letters sent by first class mail were not returned. Each certified letter was returned marked "unclaimed."
26. On September 25, 2007, the staff sent Eckes via both first class and certified mail a request that he appear and provide testimony on October 11, 2007. The letter sent first class mail was not returned. The certified letter was returned "unclaimed." Eckes did not appear on October 11.
27. On that date, the staff sent Eckes a second request to appear and provide testimony for October 26, again via certified and first class mail. Once again, the letter sent via regular mail was not returned and the certified letter was returned "unclaimed." Eckes did not appear on October 26.
28. All of the requests for information and requests to appear and provide testimony were sent to Eckes's CRD address. To date, 2008 Eckes has failed to respond to any of FINRA's Rule 8210 requests.
29. By reason of the foregoing, Eckes violated NASD Procedural Rule 8210 and NASD Conduct Rule 2110.

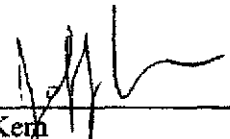
### **RELIEF REQUESTED**

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, specifically restitution and disgorgement, 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.

### **FINRA DEPARTMENT OF ENFORCEMENT**

Date: December 22, 2008



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