

**NASD
OFFICE OF HEARING OFFICERS**

Department of Enforcement,

Complainant,

v.

Jennifer Cochrane Prussack
CRD No. 4405629

Respondent.

Disciplinary Proceeding
No. C06050006

Hearing Officer:

COMPLAINT

Upon information and belief, Complainant alleges as follows:

1. Respondent Jennifer Cochrane Prussack ("Prussack") entered the securities industry in June 2001, when she became associated with NASD member firm Banc One Securities Corporation ("BO Securities"). She subsequently obtained Series 6 and 63 securities licenses in July 2001. During the relevant time period, Prussack was also employed by Bank One Trust Company ("BO Trust"). Except for a break in service between April and December 2003, Prussack remained at BO Securities until her termination on February 24, 2004. Since that time, Prussack has not been registered with any other NASD member firm. On March 24, 2004, BO Securities filed a Form U-5 termination notice on Prussack's behalf. Although Prussack is not currently registered with any NASD member, she remains subject to the jurisdiction of NASD, pursuant to Article V, Section 4 of the Association's By-Laws, which provides for a two-year period of retained jurisdiction over formerly associated persons. Accordingly, NASD retains jurisdiction over Prussack until February 23, 2006. Prussack has no prior disciplinary history.

FIRST CAUSE OF COMPLAINT

Respondent Made Unauthorized Withdrawals from Customer Bank Accounts

and Converted the Funds to Her Own Use and Benefit

(Violation of NASD Conduct Rule 2110)

2. Paragraph number 1, above, is realleged and incorporated herein by reference.
3. Prussack began her employment with Bank One, NA ("the bank") as a customer service representative. She later went to work for the bank's trust company, BO Trust. In her capacity as a BO Trust employee, Prussack had access to customer accounts.
4. During the period from approximately October 2001 through at least January 2004, *Prussack made unauthorized debit withdrawals from the accounts of at least two BO Trust customers, GU and DD, and converted the funds for her own personal use and benefit.*
5. Prussack made the unauthorized withdrawals by completing miscellaneous debit tickets against the affected customer accounts, and asking unsuspecting co-workers, other BO Trust employees, to co-sign the tickets. If the co-worker asked Prussack for an explanation, she simply stated that she was making the withdrawals at the request of one of her "little old ladies."
6. Prussack cashed the signed debit tickets in the Bank One branch located in the lobby of her office building.
7. Over an approximate twenty-seven month time period, Prussack systematically made monthly debit withdrawals in the amount of \$1,390 from customer GU's account. In total, Prussack withdrew at least \$37,000 from customer GU's account.
8. During the same time period, Prussack also withdrew at least \$20,000 from customer DD's account.

9. Prussack's activities were uncovered when a Bank One employee found one of the withdrawals to be suspicious and reported Prussack to bank authorities.
10. Prussack used all of the funds withdrawn from customers GU's and DD's accounts for her personal use and benefit.
11. The customers did not authorize Prussack's use of their funds.
12. Accordingly, Prussack converted the customers' funds without their knowledge, authorization or consent.
13. The aforementioned acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rule 2110 by Jennifer Cochrane Prussack.

SECOND CAUSE OF COMPLAINT

Failure to Respond to NASD Requests for Information

(Violation of NASD Conduct Rule 2110 and Procedural Rule 8210)

14. Paragraph number 1 above, is realleged and incorporated herein by reference.
15. By letter dated April 5, 2004, NASD staff requested, pursuant to Rule 8210, that Respondent Prussack provide information regarding her alleged conversion activities at BO Trust. The letter was sent via first class regular and certified mail to Prussack's CRD home address of record: [REDACTED] ("CRD Address").
16. By letter dated April 19, 2004, NASD staff again requested, pursuant to Rule 8210, that Prussack provide the previously requested information. The letter was sent via first class regular and certified mail to Prussack's CRD Address.
17. By letter dated July 22, 2004, NASD staff made a third request, pursuant to Rule 8210, for Prussack to provide the previously requested information. The letter was sent via first class regular and certified mail to Respondent Prussack's CRD Address.

18. The Certified Receipt attached to the April 5th letter was returned to the District Office signed by "Rita Cochrane." The April 5th letter sent via regular mail was not returned.
19. The Certified Receipt attached to the April 19th letter was returned to the District Office signed by "Jennifer Prussack." The April 19th letter sent via regular mail was not returned.
20. The July 22nd letter sent via certified mail was returned to the District Office marked, "Returned To Sender," and "Unclaimed." The July 22nd letter sent via regular mail was not returned.
21. Prussack did not respond to any of NASD's request for information.
22. The aforementioned acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rule 2110 and NASD Procedural Rule 8210 by Jennifer Cochrane Prussack.

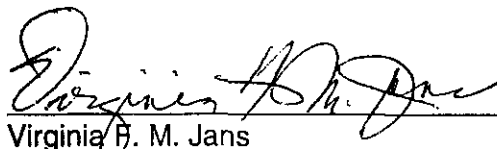
PRAYER FOR RELIEF

WHEREFORE, Complainant respectfully requests:

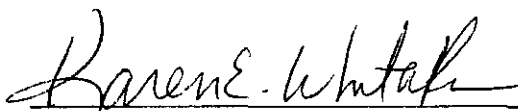
- A. Findings of fact and conclusions of law that Respondent committed the violations charged and alleged herein;
- B. An order imposing sanctions upon the Respondent in accordance with NASD Rule 8310.
- C. An order requiring Respondent to disgorge fully any and all ill-gotten gains and/or make full and complete restitution, together with interest;
- D. An order imposing such costs of any proceeding as are deemed fair and appropriate under the circumstances in accordance with NASD Rule 8330; and
- E. An order imposing any other fitting sanction.

April 22, 2005

Date



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