

NASD OFFICE OF HEARING OFFICERS

Department of Enforcement,

Complainant,

v.

John Gregory Oppenheimer
General Securities Representative
CRD No. 3178207

Respondent.

Disciplinary Proceeding
No. C07050031

Hearing Officer -

COMPLAINT

Upon information and belief, Complainant alleges as follows:

1. Respondent John Gregory Oppenheimer entered the securities industry in November 1998, and was first registered as a general securities representative of an NASD member in February 1999. From September 2003 to November 2004, Oppenheimer was registered with NASD member Verity Investments, Inc. Oppenheimer is not currently registered with an NASD member, though he remains subject to NASD's jurisdiction pursuant to Article V, Section 4 of the NASD By-Laws.

FOR A FIRST CAUSE OF COMPLAINT Unauthorized Transactions NASD Conduct Rule 2110

2. Paragraph one is realleged and incorporated herein by reference.
3. On or about September 16, 2004, Oppenheimer effected, or caused to be effected, the liquidation of customer VL's mutual funds and the purchase of a variable annuity, without VL's authorization.
4. Such acts, practices and conduct violate NASD Conduct Rule 2110.

FOR A SECOND CAUSE OF COMPLAINT

**Forgery
Conduct Rule 2110**

5. The allegations in paragraphs one through four are realleged and incorporated herein by reference.
6. In connection with his purchase of the annuity for VL, on or about August 24 and August 30, 2004, Oppenheimer forged, or caused to be forged, VL's signature on two documents, including an annuity purchase application.
7. In connection with the variable annuity purchase of customer BT, on or about July 27, 2004, Oppenheimer forged, or caused to be forged, BT's signature to three forms, including an annuity purchase application.
8. Such acts, practices and conduct violate NASD Conduct Rule 2110.

FOR A THIRD CAUSE OF COMPLAINT

**Failure to Testify
NASD Procedural Rule 8210 and Conduct Rule 2110**

9. The allegations in paragraphs one through eight are realleged and incorporated herein by reference.
10. After receipt of a customer complaint from VL, NASD staff commenced an examination to determine whether Oppenheimer violated NASD rules, or other industry rules and regulations.
11. In connection with that examination, an NASD examiner sent a letter to Oppenheimer on February 2, 2005. This letter was sent by first class mail to Oppenheimer's residential address as reflected in CRD of [REDACTED] The postal service did not return the mailing.

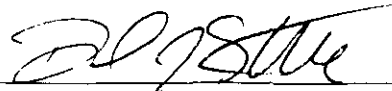
12. The letter requested that Oppenheimer contact the staff by February 17, 2005, to schedule a date for his testimony, pursuant to Procedural Rule 8210. On February 16, 2005, Oppenheimer telephoned the examiner. He advised that he would speak with his attorney about how he wished to proceed, and would contact the examiner within a week.
13. Oppenheimer did not re-contact the examiner to schedule his testimony. The examiner sent a second letter to Oppenheimer on February 25, 2005. The February 25th letter, sent to Oppenheimer at his CRD address by both certified and first class mail, requested that Oppenheimer appear at the Atlanta District Office on March 16, 2005, at 9:00 a.m. to provide testimony, pursuant to NASD Procedural Rule 8210.
14. The postal service returned the certified mailing marked "unclaimed"; the first class mailing was not returned.
15. Oppenheimer did not appear and testify on March 16, 2005.
16. Such acts, practices and conduct violate NASD Procedural Rule 8210 and Conduct Rule 2110.

PRAYER FOR RELIEF

WHEREFORE, Complainant respectfully requests:

- A. Findings of fact and conclusions of law that the 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 imposing such costs of any proceeding as are deemed fair and appropriate under the circumstances in accordance with NASD Rule 8330; and
- D. An order imposing any other fitting sanction.

April 27, 2005.



Daniel J. Stefek, District Director
NASD, Atlanta District Office



Joel R. Beck, Regional Counsel
Department of Enforcement
NASD, Atlanta District Office
3490 Piedmont Road, N.E., Suite 500
Atlanta, GA 30305
404-239-6153
FAX (202) 721-6535

Rory C. Flynn, Of Counsel
Department of Enforcement
NASD
1801 K Street, N.W., Suite 800
Washington, D.C. 20006
(202) 974-2874

Andrew A. Favret, Of Counsel
Department of Enforcement
NASD
1100 Poydras Street, Suite 859
New Orleans, LA 70163
(504) 522-6527