

NASD
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. ## C10040129

TO: Department of Enforcement
NASD

RE: Brian Taggart
(CRD No. 2394575)

Pursuant to Rule 9216 of NASD Code of Procedure, Brian Taggart ("Taggart" or "Respondent") submits this Letter of Acceptance, Waiver and Consent ("AWC") for the purpose of proposing a settlement of the alleged rule violations described in Part II below. This AWC is submitted on the condition that, if accepted, NASD will not bring any future actions against Respondent alleging violations based on the same factual findings.

Respondent understands that:

1. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by NASD's Department of Enforcement and National Adjudicatory Council ("NAC") Review Subcommittee or Office of Disciplinary Affairs ("ODA"), pursuant to NASD Rule 9216;
2. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against Respondent; and
3. If accepted:
 - a. this AWC will become part of Respondent's permanent disciplinary record and may be considered in any future actions brought by NASD or any other regulator against Respondent;
 - b. this AWC will be made available through NASD's public disclosure program in response to public inquiries about Respondent's disciplinary record;
 - c. NASD may make a public announcement concerning this agreement and the subject matter thereof in accordance with NASD Rule 8310 and IM-8310-2; and
 - d. Respondent may not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any allegation in this AWC or create the impression that the AWC is without factual basis. Nothing in this provision affects Respondent's testimonial obligations or right to take legal or factual positions in litigation or other legal proceedings in which NASD is not a party.

Respondent also understands that his experience in the securities industry and disciplinary history may be factors that will be considered in deciding whether to accept this AWC. That experience and history are as follows:

Since 1993, Taggart has been employed by Planco Financial Services, Inc. ("Planco") (BD No. 8326) and registered with NASD, through Planco, as an Investment Company Products/Variable Contracts Representative. Taggart is primarily an insurance wholesaler.

Taggart does not have any prior disciplinary history with the Securities and Exchange Commission, any state securities regulator, or self-regulatory organization.

I.

WAIVER OF PROCEDURAL RIGHTS

Respondent specifically and voluntarily waives the following rights granted under NASD's Code of Procedure:

- A. To have a Formal Complaint issued specifying the allegations against Respondent;
- B. To be notified of the Formal Complaint and have the opportunity to answer the allegations in writing;
- C. To defend against the allegations in a disciplinary hearing before a hearing panel, to have a written record of the hearing made and to have a written decision issued; and
- D. To appeal any such decision to the NAC and then to the U.S. Securities and Exchange Commission and a U.S. Court of Appeals.

Further, Respondent specifically and voluntarily waives any right to claim bias or prejudgment of the General Counsel, the NAC, or any member of the NAC, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including acceptance or rejection of this AWC.

Respondent further specifically and voluntarily waives any right to claim that a person violated the *ex parte* prohibitions of Rule 9143 or the separation of functions prohibitions of Rule 9144, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including its acceptance or rejection.

II.

ACCEPTANCE AND CONSENT

- A. Respondent hereby accepts and consents, without admitting or denying the allegations or findings, and solely for the purposes of this proceeding and any other proceeding brought by or on behalf of NASD, or to which NASD is a party.

prior to a hearing and without an adjudication of any issue of law or fact, to the entry of the following findings by NASD:

Article 21 of the New York State Insurance Laws requires that persons licensed to sell certain types of insurance in New York have to, biennially, satisfactorily complete courses or programs of continuing education approved by the State Superintendent of Insurance. Specifically, such persons must, during each full biennial licensing period, satisfactorily complete courses or programs of instruction or attend seminars as may be approved by the superintendent equivalent to fifteen credit hours of instruction. Licensed persons could enter information concerning completed credits on the New York State Insurance Department ("Insurance Department") website.

The Insurance Department certifies continuing education providers, instructors, and courses. In addition to marketing insurance products as an "insurance wholesaler," Taggart provided insurance continuing education to representatives on approximately fifteen occasions during the period from March through May 2003.

In May 2003, shortly before the deadline for obtaining the fifteen credit hours, Taggart allowed an individual to sign roster sheets indicating that he had attended insurance continuing education sessions taught by Taggart when he had not. Also, Taggart provided the same individual with Insurance Department Course Completion documents ("certificates") for courses the individual had not completed. By reason of the foregoing, Respondent violated NASD Conduct Rule 2110.

B. Respondent also consents to the imposition, at a maximum, of the following sanctions:

- A suspension from associating with any NASD member firm in any capacity for a period of forty-five (45) calendar days; and
- A 10,000.00 fine.

The sanctions imposed herein shall be effective on a date set by NASD staff.

III.

OTHER MATTERS

A. Respondent understands that he may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. Respondent understands that he may not deny the charges or make any statement that is inconsistent with the AWC in this Statement. This Statement does not constitute factual or legal findings by NASD, nor does it reflect the views of NASD or its staff.

B. Respondent agrees to pay any monetary sanctions imposed on him upon notice

- C. Respondent specifically and voluntarily waives any right to claim that he is unable to pay, now or at any time hereafter, any monetary sanction imposed in this matter.
- D. Respondent understands that if he is barred or suspended from associating with any NASD member, he becomes subject to a statutory disqualification as that term is defined in Section 3(a)(39) of the Securities Exchange Act of 1934, as amended. Accordingly, Respondent may not be associated with any NASD member in any capacity, including clerical or ministerial functions, during the period of the bar or suspension. (See NASD Rule 8310 and IM-8310-1.)

Respondent certifies that he has read and understands all of the provisions of this AWC and has been given a full opportunity to ask questions about it, and that no offer, threat, inducement, or promise of any kind, other than the terms set forth herein, has been made to induce Respondent to submit it.

12/22/04
Date


Counsel for Respondent

Brian Taggart
Brian Taggart (CRD No. 2394575)

Accepted by NASD:

December 30, 2004
Date

William St. Louis
William St. Louis
Regional Counsel, District 10 Department of
Enforcement

Signed on behalf of the Director of ODA, by
delegated authority