

**NASD
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

DARWIN R. MARTINEZ
(CRD No. 1493059),

Respondent.

Disciplinary Proceeding No. C10050004

Hearing Officer--

COMPLAINT

Upon information and belief, the Department of Enforcement alleges the following:

JURISDICTION

1. Respondent Darwin R. Martinez ("Respondent") first became registered with NASD as a General Securities Representative ("GSR") on or about March 7, 1988 through an association with a member firm.
2. From on or about October 30, 1996 through on or about October 6, 2000, Respondent was registered with NASD as a GSR through an association with former member firm Mason Hill & Co., Inc. (BD No. 38308) ("Mason Hill").
3. From on or about October 5, 2000 through on or about February 24, 2003, Respondent was registered with NASD through an association with another former member firm. Respondent's employment end date at that former member firm was February 24, 2003.

4. Although Respondent is not currently **registered** with NASD, he remains subject to the jurisdiction of the Association **pursuant** to Article V, Section 4 of the Association's By-Laws.

FIRST CAUSE OF COMPLAINT

(Violation of NASD Conduct Rule 2110)

5. Paragraphs 1 through 4 are re-alleged **and incorporated** herein by reference.
6. From in or about April 1996 to in or **about** July 1998, Respondent stole property having a value in excess of \$3,000 from **RM** and CM, who, on information and belief, were customers of Mason Hill. From in or about February 1998, he stole property having a value in excess of \$3,000 **from** NP, on information and belief, also a customer of Mason Hill. Respondent's **wrongdoing** is evidenced by the fact that on or about November 26, 2002, Respondent **pled** guilty in New York Supreme Court to two counts of charges that he committed the crime of Grand Larceny in the Third Degree, in violation of New York Penal **Law** § 155.35, a class D felony.

By reason of the foregoing, Respondent violated NASD Conduct Rule 2110.

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 Respondent in accordance with NASD Procedural Rule 8310;
- C. An order, pursuant to NASD Procedural **Rule** 8310, requiring Respondent to fully

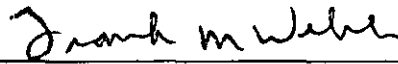
disgorge any ill-gotten gains and/or make **full** and complete restitution, together with interest;

D. An order imposing such costs of any **proceeding** as are deemed fair and appropriate under the circumstances and in accordance **with** NASD Rule 8330; and

E. An order, pursuant to NASD Procedural **Rule** 8310, imposing any other fitting sanction.

Dated: February 22, 2005

DEPARTMENT OF ENFORCEMENT



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