

NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

JOSE ANTONIO ALBA
(CRD NO. 4680317),

Respondent.

**Disciplinary Proceeding
No. C10050021**

Hearing Officer -

COMPLAINT

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

JURISDICTION

1. Jose Antonio Alba ("Respondent") was registered with NASD as an Investment Company and Variable Contracts Product Representative from on or about October 18, 2003, to on or about February 12, 2004, through his association with NASD member firm Quick & Reilly, Inc. (CRD No. 11217) (Q&R).
2. Q&R filed a Uniform Termination Notice for Securities Industry Registration ("Form U-5") regarding Respondent on or about February 12, 2004. The Form U-5 indicated that Respondent's last date of employment at Q&R was January 14, 2004, and stated, "Dual employee-discharged by Fleet Bank for misappropriation of Fleet Bank customer funds."
3. Respondent is not currently registered or associated with any NASD member firm.
4. Pursuant to Article V, Section 4 of NASD By-Laws, NASD retains jurisdiction over Respondent.

FIRST CAUSE OF COMPLAINT
(Conversion)
Violation of NASD Conduct Rule 2110

5. Paragraphs 1 through 4 of this Complaint are re-alleged and incorporated herein by reference.
6. From in or about December 2003, to in or about January 2004, while registered with NASD through his association with Q&R, Respondent converted funds totaling at least \$5,160.00 from Fleet National Bank/FleetBoston Financial.

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

SECOND CAUSE OF COMPLAINT
(Failure to Respond)
Violation of NASD Procedural Rule 8210 and NASD Conduct Rule 2110

7. Paragraphs 1 through 6 of this Complaint are re-alleged and incorporated herein by reference.
8. By letter dated July 8, 2004, sent to Respondent pursuant to and in accordance with NASD Procedural Rule 8210, the staff of NASD District 10 (the "Staff") requested that, by July 23, 2004, Respondent provide information relating to his misappropriation of funds. Respondent failed to respond.
9. By letter dated September 14, 2004, sent to Respondent pursuant to and in accordance with NASD Procedural Rule 8210, the Staff requested that Respondent provide the above-mentioned information by September 24, 2004. Respondent failed to respond.
10. Each request was sent to Respondent's Central Registration Depository ("CRD") address ([REDACTED]) ("CRD Address"), via first class mail with a certificate of mailing and certified mail. For each mailing to Respondent's CRD Address the Staff received the certificate of mailing receipt and a signed certified mail receipt. The signature on the certified mail receipt was illegible.

By reason of the foregoing, Respondent violated NASD Procedural Rule 8210 and NASD Conduct Rule 2110.

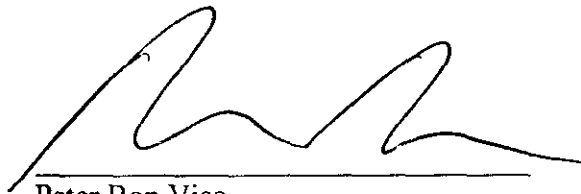
PRAYER FOR RELIEF

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 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;
- D. An order requiring Respondent to disgorge fully any and all ill-gotten gains and/or make full and complete restitution, together with interest;
- E. An order imposing any other fitting sanctions.

Dated: April 20, 2005

DEPARTMENT OF ENFORCEMENT

A handwritten signature in black ink, appearing to read 'Peter Bon Viso', written over a horizontal line.

Peter Bon Viso
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