

NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

TOMISLAV SKIBOLA
(CRD No. 2791236),

Respondent.

Disciplinary Proceeding
No. C10050042

Hearing Officer - SNB

ORDER ACCEPTING OFFER OF SETTLEMENT

Date: June 28, 2005

INTRODUCTION

Disciplinary Proceeding No. C10050042 was filed on May 17, 2005, by the Department of Enforcement of NASD ("Complainant"). Respondent Tomislav Skibola ("Respondent") submitted an Offer of Settlement ("Offer") to Complainant dated June 20, 2005. Pursuant to Code of Procedure Rule 9270(e), the Complainant and the National Adjudicatory Council ("NAC") Review Subcommittee or the Office of Disciplinary Affairs ("ODA") have accepted the uncontested Offer. Accordingly, this Order now is issued pursuant to Code of Procedure Rule 9270(e)(3). The findings, conclusions and sanctions set forth in this Order are those stated in the Offer as accepted by the Complainant and approved by the NAC.

Under the terms of the Offer, Respondent has consented, without admitting or denying the allegations of the Complaint, 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, to the entry of findings and violations consistent with the allegations of the Complaint, and to the imposition of the sanctions set forth below, and fully understands that this Order will become part of

Respondent's permanent disciplinary record and may be considered in any future actions brought by NASD.

BACKGROUND

Respondent first became registered with NASD as a General Securities Representative through a member firm on or about March 28, 2000.

From on or about September 18, 2000 through on or about March 15, 2002, Respondent was registered through member firm Quick & Reilly, Inc. (BD No. 11217) ("Quick & Reilly").

From on or about September 29, 2003 through on or about February 1, 2005, Respondent was registered through another NASD member firm.

Although Respondent is not currently registered with NASD, pursuant to Article V, Section 4 of NASD's By-Laws, this action was commenced prior to the expiration of NASD's jurisdiction over Respondent.

FINDINGS AND CONCLUSIONS

It has been determined that the Offer be accepted and that findings be made as follows:

1. During the period of in or about January 2001 to December 2001, Skibola executed, or caused to be executed, forty-nine (49) transactions in the account of Quick & Reilly customer LB, without the customer's prior knowledge, authorization or consent. By reason of the foregoing, Skibola violated NASD Conduct Rule 2110.
2. During the period of in or about January 2001 to December 2001, Respondent, engaged in the short-term trading of mutual fund shares in the account of Quick & Reilly customer LB. Respondent consistently caused LB's account at Quick & Reilly to hold mutual fund positions for short periods of time, ranging from a maximum of one year and 276 days to a minimum of 106 days. Respondent's short-term trading of mutual fund shares in the account of Quick & Reilly customer LB was inconsistent with Respondent's fundamental responsibility for fair dealing in his relationship with customer LB, and also entailed the recommendation of securities transactions, during the period of January 1, 2001 through December 31, 2001, that were not suitable or appropriate for customer LB. By reason of the foregoing, Respondent violated NASD Conduct Rules 2310(a) and 2110.
3. In furtherance of some or all of the misconduct set forth above, Respondent generated, or caused to be generated, false or inaccurate records of Quick & Reilly.

Specifically, in connection with certain unauthorized transactions in customer LB's account, Respondent took actions to create the false appearance in Quick & Reilly's records that customer LB placed the orders on-line via the Internet, and were thus unsolicited, when, in fact, Respondent caused the placement of the orders from the offices of Quick & Reilly. Based on the foregoing, Respondent violated NASD Conduct Rules 3110 and 2110.

SANCTIONS

It is ordered that Respondent be barred from associating with any NASD member firm in any capacity.

The sanctions imposed herein shall be effective on a date set by NASD staff. Pursuant to IM-8310-2(f), a bar or expulsion shall become effective upon approval or acceptance of this Order by the NAC.

SO ORDERED.

NASD

By: Frank M. Weber
Frank M. Weber, Regional Counsel
on behalf of the Director of ODA,
pursuant to delegated authority