

**NASD
OFFICE OF HEARING OFFICERS**

Department of Enforcement,

Complainant,

v.

Marcos Godfrey,
CRD No. 4230793

Respondent.

Disciplinary Proceeding
No. C8A050019

Hearing Officer

COMPLAINT

Upon information and belief, Complainant alleges as follows:

1. Respondent Marcos Godfrey (Respondent Godfrey) entered the securities industry in July 2000 as an Investment Company/General Contracts Representative of Met Life Securities, a member of NASD, where he remained until May 2001. Thereafter, in July 2001, he became similarly registered with another member of NASD until June 12, 2003. Respondent Godfrey therefore is, pursuant to Article V, Section 4 of the NASD's By-Laws, subject to the jurisdiction of the NASD.

**FIRST CAUSE OF COMPLAINT
Misuse of Customer Funds
NASD Conduct Rules 2330 and 2110**

2. In or about October 2000, Customer M.P. tendered to Respondent Godfrey \$600 cash that was intended as payment for the purchase of an annuity for the benefit of the customer.

3. Respondent Godfrey accepted the cash and wrote a receipt for the customer acknowledging acceptance of the funds. Respondent Godfrey signed the receipt and tendered it to customer M.P.
4. Respondent Godfrey did not, however, use the customer funds to purchase the annuity as intended. The funds were used for some other purpose than for the benefit of the customer.
5. The above constitutes separate and distinct violations of NASD Conduct Rules 2330 and 2110.

SECOND CAUSE OF COMPLAINT
Failure to Respond Completely to NASD Requests for Information
NASD Conduct Rule 2110 and NASD Procedural Rule 8210

6. On or about December 5, 2003, NASD staff sent to Respondent Godfrey a request that he provide certain additional information, pursuant to and in accordance with the provisions of NASD Procedural Rule 8210. That request for information was sent by first class mail and by certified mail, return receipt requested, to Respondent Godfrey's address of record as contained in the records of the Central Registration Depository ("CRD address"). The first class mailing to the CRD address was not returned to the NASD staff, and the certified mailing to the CRD address was returned, marked "Unclaimed."
7. On or about December 30, 2003, NASD staff sent to Respondent Godfrey a request that he provide the additional information initially requested on or about December 5, 2003, pursuant to and in accordance with the provisions of NASD Procedural Rule 8210. That request for information was sent by first class mail and by certified mail, return receipt requested, to Respondent Godfrey's CRD address. The first class mailing to the CRD address was not returned. The receipt for the certified mailing to the CRD address was returned marked

unclaimed.

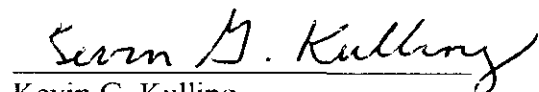
8. Respondent Godfrey has failed to respond to the requests for information described in the paragraphs above and the date for responding to the requests has passed.
9. The acts, practices and conduct described above constitute separate and distinct violations of NASD Conduct Rule 2110 and Procedural Rule 8210 by Respondent Godfrey.

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 the Respondent in accordance with NASD Rule 8310.
- C. An order requiring Respondent to disgorge fully any and all 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 in accordance with NASD Rule 8330; and
- E. An order imposing any other fitting sanction.

Date: March 18, 2005



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