

**NASD REGULATION, INC.
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant

vs.

TONYA A. ROBERTS
Registered Representative
(CRD No. 4174065)

Respondent

**Disciplinary Proceeding
No. C8A050042**

Hearing Officer

COMPLAINT

Upon information and belief, Complainant alleges as follows:

1. From on or about October 3, 2000 to on or about May 14, 2003, Tonya A. Roberts ("Respondent Roberts") was registered as a General Securities Representative with Charles Schwab & Co., Inc. ("Member") a member of NASD. On or about March 26, 2004, the Member filed an amended Form U5, which disclosed for the first time that the Member had been notified about a potential credit fraud and identity theft matter involving Respondent Roberts. From on or about May 29, 2003 to on or about July 7, 2004, Respondent Roberts was registered in the same capacity with Scottrade, Inc. ("Scottrade"), a member of NASD. Since this complaint is being filed within two years of the filing of the amended Form U-5 by the Member and the termination of Respondent Roberts' registration with Scottrade, Respondent Roberts is subject to the jurisdiction of NASD, pursuant to Article V, Section 4 of the NASD's By-Laws.

FIRST CAUSE FOR COMPLAINT

Conduct Rule 2110 by Respondent Roberts - Obtaining Credit Cards through the Use of a Customer's Personal Information by Respondent Roberts.

2. During all times mentioned herein, TR was a member of the public, who maintained a securities account with the Member.

3. While Respondent Roberts was employed with the Member, she had access to personal account information about TR, which included her social security number and her date of birth.

4. On or about December 23, 2002, Respondent Roberts completed and signed an application for a Best Buy credit card and a Household Bank Gold MasterCard ("Application"). Respondent Roberts wrote her name and address on the Application, but listed TR's Social Security number and date of birth on the Application. Respondent Roberts then submitted the Application to Best Buy and received Best Buy credit card and Household Bank MasterCard.

5. Respondent Roberts then made purchases using the Best Buy credit card and the Household Bank MasterCard, which were for products for some purpose other than the benefit of TR. In or about early 2004, Respondent Roberts had a total of about \$6,000 in outstanding charges on the accounts, which were in collection status with Household Bank. TR did not apply for these credit cards and had no knowledge of these credit cards.

6. The acts, practices and conduct set forth above constitute separate and distinct violations of NASD Conduct Rule 2110 by Respondent Roberts.

SECOND CAUSE FOR COMPLAINT

Conduct Rule 2110 and Procedural Rule 8210 by Respondent Roberts - Failure to Respond to the Staff's Requests for Information by Respondent Roberts.

7. On or about May 21, 2004, NASD staff ("Staff") sent to Respondent Roberts a request that she provide certain documents and information related to her knowledge of TR and

her use of TR's personal information pursuant to and in accordance with the provisions of NASD Procedural Rule 8210. A response was requested by June 4, 2004. That request for information was sent by first class mail and by certified mail, return receipt requested, to Respondent Roberts' addresses of record as contained in the records of the Central Registration Depository ("CRD Addresses"), which was located on [REDACTED]

[REDACTED] The first class mailing was not returned to the Staff. The certified mailing was returned to the Staff marked "Return to Sender – Unclaimed."

8. On or about June 4, 2004, the Staff received a written response to the request for information. On or about June 18, 2004, the Staff received an additional written response from Respondent Roberts, dated June 14, 2004, with a Household Bank Gold MasterCard statement for one of the accounts in question and other documentation.

9. On or about July 1, 2004, the Staff sent to Respondent Roberts a request that she provide additional documents and information related to her knowledge of TR and her use of TR's personal information pursuant to and in accordance with the provisions of NASD Procedural Rule 8210. A response was requested by July 15, 2004. That request for information was sent by first class mail and by certified mail, return receipt requested, to Respondent Roberts' CRD Addresses. The first class mailing was not returned to the Staff. The certified mailing was returned to the Staff marked "Return to Sender – Unclaimed."

10. On or about July 19, 2004, the Staff sent to Respondent Roberts a second request that she provide the additional documents and information requested relating to her knowledge of TR and her use of TR's personal information pursuant to and in accordance with the provisions of NASD Procedural Rule 8210. A response was requested by August 2, 2004. That request for information was sent by first class mail and by certified mail, return receipt requested, to

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Respondent Roberts' CRD Address. The first class mailing was not returned to the Staff. The certified mailing was returned to the Staff marked "Return to Sender – Unclaimed."

11. Respondent Roberts failed to respond to each and all of the requests for documents and information described in paragraphs 9 and 10 above, and the time for Respondent Roberts to respond has passed.

12. The aforementioned acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rule 2110 and NASD Procedural Rule 8210 by Respondent Roberts.

PRAYER FOR RELIEF

WHEREFORE, Complainant respectfully requests:

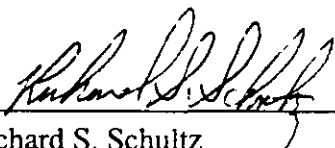
- A. Findings of fact and conclusions of law that Respondent committed the violations charged and alleged herein;
- B. An order imposing sanctions upon the Respondent in accordance with NASD Rule 8310;
- C. An order imposing such costs of any proceeding as are deemed fair and appropriate under the circumstances in accordance with NASD Rule 8330; and,

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D. An order imposing any other fitting sanction.

May 20, 2005

Date


Richard S. Schultz
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May 20, 2005

Date


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