

**NASD
OFFICE OF HEARING OFFICERS**

Department of Enforcement,

Complainant,

v.

Marcus R. Valenzuela,
CRD No. 4231176

Respondent.

Disciplinary Proceeding
No. CFL050002

Hearing Officer: RSH

**ORDER ACCEPTING OFFER OF
SETTLEMENT**

Date: August 19, 2005

INTRODUCTION

Disciplinary Proceeding No. CFL050002 was filed on July 1, 2005, by the Department of Enforcement of NASD ("Complainant"). Respondent Marcus R. Valenzuela submitted an Offer of Settlement ("Offer") to Complainant on August 15, 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 Valenzuela first registered with NASD as a General Securities Representative ("Series 7") on October 3, 2000. He passed the NASAA Uniform State law examination ("Series 63") on October 13, 2000. Valenzuela has been registered by the following member firms:

8/1/2003 to 3/17/2005 - LH Ross & Company, Inc. (CRD #37920)
9/11/2002 to 8/5/2003 - MML Investors Services, Inc. (CRD #10409)
10/9/2000 to 7/15/2002 - Investment Centers of America, Inc. (CRD #16443)

Valenzuela has no relevant disciplinary history.

FINDINGS AND CONCLUSIONS

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

Between November 24, 2004 and February 9, 2005 Respondent Valenzuela effected 34 transactions in 14 LH Ross customer accounts totaling \$455,813.51 without the prior authorization, knowledge or consent of the customers. The unauthorized transactions were primarily sales of shares of Branded Media common stock and in many instances, the unauthorized purchases of Branded Media were accompanied by or funded by unauthorized sales of various securities.

Based on the foregoing, Respondent violated NASD Rules 2110 and IM-2310-2.

Based on these considerations, the sanctions hereby imposed by the acceptance of the Offer are in the public interest, are sufficiently remedial to deter Respondent from any future misconduct, and

represent a proper discharge by NASD, of its regulatory responsibility under the Securities Exchange Act of 1934.

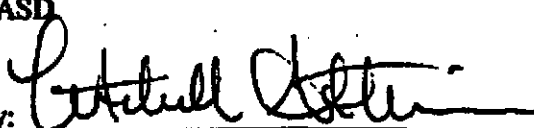
SANCTIONS

It is ordered that Respondent be barred from association with any NASD member in all capacities. The sanctions imposed herein shall be effective on a date set by NASD staff.

Pursuant to IM-8310-2(f), a bar shall become effective upon approval or acceptance of this Order by the NAC.

SO ORDERED.

NASD

By: 
Mitch Atkins
Director, Florida District Office
on behalf of the Director of ODA, pursuant to
delegated authority