

NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

MANUEL M. CORSINO
(CRD No. 4758336),

Respondent.

Disciplinary Proceeding
No. E012004022101

Hearing Officer – DMF

DEFAULT DECISION

March 16, 2006

Respondent is barred from associating with any NASD member in any capacity for falsifying the results of his qualifications examination, in violation of Rule 2110.

Appearances

Jacqueline D. Whelan, Esq., San Francisco, CA (Rory C. Flynn, Esq., Washington, DC, and Roger D. Hogoboom, Esq., Denver, CO, Of Counsel), for
Complainant.

No appearance by or for Respondent.

DECISION

I. Introduction

The Department of Enforcement filed a Complaint (attached to this Decision as Exhibit A) on November 7, 2005, alleging that Respondent Manuel M. Corsino falsified the results of his qualifications examination, in violation of Rule 2110. Respondent did not file an Answer to the Complaint. On February 14, 2006, Enforcement filed a motion

for a default decision, supported by the declaration of Jacqueline D. Whelan and four exhibits. Respondent did not reply to the motion.¹

II. Respondent's Default

Enforcement sent the Complaint and Notice of Complaint to Respondent on November 4, 2005, by regular and certified first class mail to Respondent's most current residential address listed in the Central Registration Depository (the "CRD address"), as well as two possibly more recent addresses that NASD staff had become aware of during the investigation. Enforcement sent the Complaint and Second Notice of Complaint to Respondent by regular and certified first class mail to the same addresses on December 9, 2005. Respondent did not file an Answer to the Complaint.

Enforcement served the Complaint and the Notices of Complaint on Respondent in accordance with Rule 9134, giving him constructive notice of this proceeding. By failing to respond, he defaulted. Pursuant to Rule 9215(f), the Hearing Officer will deem the allegations in the Complaint admitted.

III. Jurisdiction

Respondent became associated with Morgan Stanley DW, Inc. on or about February 18, 2004, as an applicant for registration, and he completed a Form U-4 Application for Securities Registration or Transfer that Morgan Stanley filed with NASD on his behalf. Respondent voluntarily terminated his association with Morgan Stanley on or about April 12, 2004, without having been registered. Although he has not been associated with any NASD member since that date, he remains subject to NASD

¹ The factual determinations in this decision are based on the allegations of the attached Complaint, which are deemed admitted, and the additional materials filed by Enforcement with its motion.

jurisdiction for purposes of this proceeding, pursuant to Art. V, § 4 of NASD's By-Laws, because the Complaint charges him with misconduct while he was associated with Morgan Stanley and it was filed within two years after the termination of his association with the firm.

IV. Violation

The sole cause of the Complaint alleges that on March 16, 2004, Respondent completed the Series 7 – General Securities Representative qualifications examination with a failing score of 56%. He was given a document certifying that he had taken the examination and summarizing his correct answer percentages for each portion of the examination.

On March 17, 2004, Respondent provided to a branch office employee of Morgan Stanley a document that he represented was a copy of the certification that he had received. In fact, however, Respondent had altered the document, or caused it to be altered, to indicate that he had passed the examination with a score of 85%, and that he had scored between 76% and 85% on two sections of the examination that he had actually failed. When Respondent presented the document, he knew that it was false; that he had failed the examination; and that the branch management would rely on the falsified certification. He falsified the certification in order to cause his branch management to believe that he had passed the examination. These allegations, which are deemed admitted, are sufficient to establish, for purposes of this default decision, that Respondent failed to observe high standards of commercial honor and just and equitable principles of trade, in violation of Rule 2110.

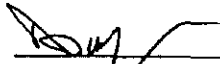
V. Sanctions

The Sanctions Guideline for falsification of records recommends a bar in egregious cases. NASD Sanction Guidelines at 40 (2005 ed.) Respondent deliberately falsified the results of his Series 7 qualifications examination in an effort to mislead his firm about his qualifications to serve as a registered representative. The qualifications examinations are designed to ensure that persons who advise public investors are qualified to do so. Thus, the certification form is very important. Nevertheless, Respondent deliberately altered it, in order to make it appear that he was qualified to advise public investors. His violation was highly egregious and calls for a bar.

VI. Conclusion

Respondent Manuel M. Corsino is barred from associating with any NASD member firm in any capacity for falsifying the results of his qualifications examination, in violation of Rule 2110. The bar will become effective immediately if this decision becomes NASD's final disciplinary action.

SO ORDERED.



David M. FitzGerald
Hearing Officer

Copies to: Manual M. Corsino (*via overnight courier and first class mail*)
Jacqueline D. Whelan, Esq. (*via electronic and first class mail*)
Roger D. Hogoboom, Esq. (*via electronic and first class mail*)
Rory C. Flynn, Esq. (*via electronic and first class mail*)

**NASD
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Department of Enforcement,

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Manuel M. Corsino,
CRD No. 4758336,

Respondent.

Disciplinary Proceeding
No. E012004022101

Hearing Officer:

COMPLAINT

Upon information and belief, Complainant alleges as follows:

1. Respondent Manuel M. Corsino ("Corsino" or "Respondent") was associated with a member of NASD from February 18, 2004 until April 12, 2004. Respondent was terminated without registration as a result of the events described herein. Respondent is not presently associated with an NASD member; however, NASD has jurisdiction to issue this Complaint pursuant to Article V, Section 4 of its By-laws.

CAUSE OF COMPLAINT

**NASD Conduct Rule 2110, Falsification of Qualifications Examination Certification and
Examination Score Report, by Respondent Corsino**

2. Paragraph number 1, above, is realleged and incorporated herein by reference.
3. On March 16, 2004, Respondent completed the Series 7 – General Securities Representative qualifications examination. Respondent failed the examination with a score of 56%,

answering only 142 of 250 questions correctly. At the conclusion of the examination, prior to leaving the testing center, Respondent received a document certifying that he had taken the examination and summarizing his correct answer percentages (within specified ranges) for each portion of the examination ("the certification").

4. On March 17, 2004, Respondent provided to a branch office employee of his broker-dealer a document that he represented to be a copy of the certification he had received at the testing center the previous day. The document, however, was not a true and correct copy of the certification. Respondent had altered the document, or caused it to be altered, so that it falsely reflected that he had passed the Series 7 examination with a score of 85% and that he had scored between 76% and 85% on two sections that in actuality he had failed.
5. At the time Respondent presented the falsified document, Respondent knew that it was false, that he had failed the examination and that his branch management would rely upon the falsified certification. Respondent presented the falsified document for the purpose of causing his branch management to believe that he had passed the Series 7 examination.
6. Altering a certification from a qualifications testing center, or causing it to be altered, and presenting the falsified document to branch office personnel for the purpose of deceiving them as to his examination score, as described in paragraphs 3-5 above, constituted conduct inconsistent with high standards of commercial honor and just and equitable principles of trade and a violation of NASD Conduct Rule 2110 by Respondent Corsino.

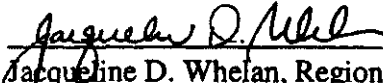
PRAYER FOR RELIEF

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
- D. An order imposing any other fitting sanction.

NASD DEPARTMENT OF ENFORCEMENT

Date: November 4, 2005


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