

NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

ANDREW J. HARDIN
(CRD No. 4534287)

Respondent.

Disciplinary Proceeding
No. E072004072501

Hearing Officer -

ERRATA COMPLAINT

Upon information and belief, Complainant alleges as follows:

RESPONDENT

1. Andrew J. Hardin ("Hardin") entered the securities industry in about July 2002, as a general securities representative registered by NASD member Edward Jones. He was employed by Edward Jones until September 2004. Hardin is currently employed by another NASD member and remains subject to the jurisdiction of the NASD.

FOR A FIRST CAUSE OF COMPLAINT

(Conduct Rules 2110 and 2510(b))

(Use of Discretion Without Written Authority)

2. The allegations contained in paragraph 1 above, are hereby re-alleged and incorporated herein by reference.
2. Customer C.D.C. maintained a securities account with Edward Jones that was serviced by Respondent Hardin.
3. During the period of September 2003 through July 2004, Respondent Hardin, pursuant to verbal authority, exercised discretion in the securities account of public customer C.D.C.

in that he purchased Certificates of Deposit ("CD"). The transactions resulting from this exercise of discretion are more fully detailed on Exhibit "A," attached hereto and incorporated herein by this reference.

4. Respondent Hardin did not obtain written authorization from C.D.C. before he exercised discretion in his account and further failed to obtain written acceptance of C.D.C.'s account as a discretionary account by Edward Jones.
5. In fact, Edward Jones prohibited the use of discretion by its representatives and did not accept accounts as discretionary accounts.
6. Such acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rules 2110 and 2510(b) by Respondent Hardin.

FOR A SECOND CAUSE OF COMPLAINT

NASD Conduct Rule 2110

(Parking and False Statements Concerning Trade Corrections)

7. The allegations contained in paragraph numbers 1 through 6 above, are hereby realleged and incorporated herein by reference.
8. Respondent Hardin, knowingly and intentionally purchased the CDs listed on Exhibit A in C.D.C.'s account with the intent of soliciting other customers to purchase the same CDs.
9. Hardin parked the CD's in C.D.C.'s account until he could resell them to other customers.
10. Instead of reselling the CDs in C.D.C.'s account, he requested that the original purchases be corrected by reassigning them to another customer to whom he had sold the respective CD.

11. In requesting that the transactions be reassigned to another customer account, Respondent Hardin misrepresented to Edward Jones that the original purchase was mistakenly put in C.D.C.'s account.
12. The false and erroneous reasons for the trade corrections given by Respondent Hardin as listed on Exhibit A were submitted to Edward Jones as the rationale for the trade corrections.
13. Such acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rule 2110 by Respondent Hardin.

PRAYER FOR RELIEF

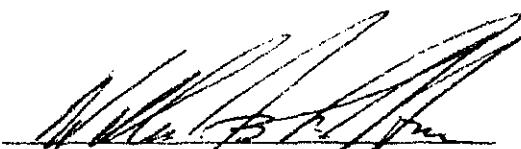
WHEREFORE, Complainant respectfully requests:

- A. Findings of fact and conclusions of law that Respondent committed the violations alleged within this Complaint;
- 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.

NASD DEPARTMENT OF ENFORCEMENT

Date:

3/13/06


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EXHIBIT "A"

Trades in C.D.C.'s Account

Date	Amount	Product Symbol	Trade Correction Explanation Submitted By Hardin
09/19/03	\$10,000	FPL7375-09MBIA	I am looking for good corporate insured rates for several different people and I entered the order in the wrong account. I am sorry for the mistake but these good rates tend to disappear quickly.
11/18/03	\$30,000	AMC435-113004G	I was in a great hurry and was looking for CDs for both accounts and put in the wrong acct number.
02/20/04	\$19,000	KB725-20905C	In a hurry and put wrong acct number in.
02/24/04	\$25,000	GT750-52405D	I was in a hurry and put the wrong amount of CD needed in the wrong account.
02/24/04	\$25,000	MBA665-122204H	Wrong acct number – sorry I was in a hurry.
03/02/04	\$15,000	HBPH710-20205	Customer called back and could not come up with the money at this time, so I sold it to another client.
03/29/04	\$10,000	GT715-72605D	I shop for CDs for a lot of clients. I was in a great hurry and put in the acct number and hit transmit. The error acct also buys CDs at different times. I have a list of acct numbers that like CDs and in a hurry yesterday I put the wrong acct number in.
07/29/04	\$15,000	UNB250-110705F	Put order in under wrong account number.