

NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

BRETT A. JURICA
(CRD No. 2535339),

Respondent.

Disciplinary Proceeding
No. E3A2004031001

Hearing Officer – AWH

DEFAULT DECISION

December 30, 2005

Formerly registered representative (1) misused funds in customer accounts, in violation of NASD Conduct Rules 2330 and 2110, (2) opened securities accounts at other member firms, without notice to his employing firm, and failed to advise the other member firms that he was a registered representative, in violation of NASD Conduct Rules 3050(c) and 2110, and (3) failed to respond to NASD staff requests for information, in violation of Procedural Rule 8210 and Conduct Rule 2110. Respondent barred for each violation.

Appearances:

Jacqueline D. Whelan, Esq., for the Department of Enforcement.

No appearance by or for Brett A. Jurica.

DECISION

Background

On August 3, 2005, the Department of Enforcement ("Enforcement") issued the three-cause Complaint in this proceeding, alleging that Brett A. Jurica misused customer funds, in violation of NASD Conduct Rules 2330 and 2110, failed to provide written notification of securities accounts, in violation of NASD Conduct Rules 2110 and 3050, and failed to provide information, in violation of NASD Procedural Rule 8210 and Conduct Rule 2110.

Jurica did not file an Answer to the Complaint; nor did he respond to the Second Notice of Complaint, mailed to him on September 8, 2005. As a result, Enforcement filed a Motion for Entry of Default Decision on November 4, 2005. Jurica failed to respond to the Motion. Accordingly, pursuant to Procedural Rules 9215(f) and 9269, Enforcement's Motion will be granted, and the allegations of the Complaint, which is attached to this decision, will be deemed admitted.

Findings of Fact¹

Respondent

Jurica was first associated with an NASD member firm in August 1994. He was last registered with NASD as a general securities representative and general securities principal through Financial Network Investment Corporation ("FNIC") from July 19, 2002, until the termination of his registration on January 30, 2004. On October 1, 2004, FNIC amended Jurica's Form U-5 to disclose an arbitration claim against him that had been filed by the customer named in the instant Complaint.² Jurica is not currently associated with any member firm.

Misuse of Customer Funds and Failure to Notify

Customer JJS, formerly a registered representative and colleague of Jurica, retained Jurica as his financial advisor and broker. In his capacity as trustee, JJS agreed to permit Jurica to manage his family's trust account. As a result, in early December 2002, Jurica completed and submitted an application to establish a trust account for the JJS Trust at Ameritrade. Jurica gained complete control over the account by submitting

¹ All findings of fact are based upon the admitted allegations in the Complaint, the Declaration Supporting a Motion for Entry of Default Decision by Jacqueline D. Whelan, and the four exhibits attached thereto.

² The amended U-5 states that the client alleges that Jurica stole more than \$360,000 in cash and securities from him and lost another \$266,000 through speculative day trading.

a form that designated himself as the authorized agent, with full trading authority and the privilege of withdrawing money and/or securities from the account, and as the recipient of all statements and confirmations. At the same time, Jurica established another Ameritrade account in the name of the Jurica Family Trust, naming himself as the trustee. When Jurica opened the two trust accounts, he failed to disclose to Ameritrade his association with FNIC,³ and he failed to advise FNIC that he had opened accounts at Ameritrade.

On six occasions between December 19, 2002, and February 7, 2003, Jurica transferred money and securities, valued at almost \$98,000, from the JJS Trust account to the Jurica Trust account. To make the transfers, Jurica provided Ameritrade with internal transfer forms that appeared to be executed by JJS. However, JJS did not know about nor authorize the transfers.

In May 2003, Jurica submitted to SunAmerica Life Assurance Company a change of address form, purportedly signed by JJS, directing that statements and communications for two variable annuities be sent to Jurica's home address. Jurica had sold the annuities to JJS while Jurica was registered with FNIC. JJS neither signed the form nor authorized the address change. On two occasions between May and November 2003, Jurica instructed SunAmerica to withdraw and transfer to the JJS Trust account a total of \$105,000. Shortly after each transfer, Jurica transferred \$59,000 and \$45,000, respectively, from the JJS Trust account to the Jurica Trust account. The transfers were effected using forms that purported to bear JJS' signature. However, JJS did not sign the forms, and did not know about, nor authorize, the withdrawals or the transfers.

³ On the account application for the Jurica Trust, he falsely stated that he was "self-employed in the financial and real estate business."

Failure to Respond to Requests for Information

On October 7, 2004, pursuant to Procedural Rule 8210, Enforcement sent Jurica a request to provide information regarding his management of the JJS Trust account. The request was sent both by first-class and certified mail to Jurica's residential address listed in the Central Registration Depository ("CRD" address). Both the first-class mailing and the certified mailing sent to the CRD address were returned with a forwarding address ("the Monterosa address"). Jurica did not respond to the request.

On October 20, 2004, pursuant to Procedural Rule 8210, Enforcement sent a second request to provide information to Jurica, by certified and first-class mail to his CRD address and the Monterosa address. All the mailings were returned. The certified mailing returned from the CRD address bore a sticker with the Monterosa forwarding address, and both mailings to the Monterosa address were returned, marked "moved, left no address, unable to forward." Again, Jurica did not respond to the request.

After sending the second request, Enforcement discovered, from sources outside of NASD, two other possible addresses for Jurica: one in Arizona ("Arizona address") and one in California ("California address"). Accordingly, on November 5, 2004, Enforcement sent a third Rule 8210 request by first-class and certified mail to all four addresses known to Enforcement. The certified mailing to the California address was accepted for delivery by Jurica on November 8, 2004, and the first class mailing to the same address was not returned.⁴ Jurica did not respond to the request.

⁴ Both mailings to the CRD address were returned, marked with the Monterosa forwarding address. Both mailings to the Monterosa address were returned, marked "moved, left no address, unable to forward." The return receipt for the certified mailing to the Arizona address was signed by "C. Hathaway," and the first class mailing to the Arizona address was not returned.

On December 22, 2004, March 2, 2005, and March 14, 2005, Enforcement sent Jurica additional Rule 8210 requests by first class and certified mail to the four addresses noted previously. None of the first class mailings to the California address was returned, but all mailings to the other addresses were returned as not deliverable.⁵ Jurica did not respond to any of the requests.

Service of the Complaint

On August 3, 2005, Enforcement served Jurica with the Complaint and Notice of Complaint by both first-class and certified mail, sent to his CRD address, as well as to the California address. The mailings to the CRD address were both returned, marked “attempted not known.” The certified mailing to the California address was returned, marked “refused,” and the first-class mailing to that address was not returned. Jurica did not file an Answer.

On September 8, 2005, Enforcement served the Complaint and Second Notice of Complaint on Jurica by first-class and certified mail to the CRD address, the California address, and the Monterosa address. The certified mailing to the CRD address and the certified and first-class mailings to the Monterosa address were returned, marked “moved, left no address, unable to forward.” The first-class mailing to the CRD address was not returned, nor was either mailing to the California address. Jurica again failed to file an Answer or respond in any way.

⁵ The March 2, 2005, certified mailing to the California address was returned unclaimed, and a blank delivery receipt was returned from the March 14, 2005, certified mailing to the California address.

Discussion and Conclusions

Jurisdiction

Article V, Section 4 of the NASD By-Laws provides for an extended two-year period of retained jurisdiction over a registered person in the event an amended notice of termination disclosing possible misconduct is filed within two years of the original notice of the person's termination of registration. During this period of retained jurisdiction, NASD may file a complaint based upon conduct that occurred while the individual was registered through a member firm, or based upon such person's failure to provide information requested pursuant to NASD Procedural Rule 8210, if the request was made, and the complaint is filed, during the foregoing period of retained jurisdiction.

Enforcement filed the Complaint on August 3, 2005, within two years of the amendment to Jurica's notice of termination of registration. The Complaint alleges misconduct while Jurica was registered with an NASD member firm, as well as failures to provide information during the period of retained jurisdiction. Therefore, NASD has jurisdiction over this proceeding.

Respondent's Default

Enforcement properly served the Complaint on Jurica by sending it via first-class and certified mail to his CRD address, as well as to the California address, the latest alternate address obtained during the course of the investigation. Pursuant to NASD Procedural Rule 9134, the mailings provide constructive notice of the instant proceeding. Because Jurica failed to respond to the Complaint, Procedural Rules 9215(f) and 9269

authorize entry of a default decision against him. Accordingly, the allegations in the Complaint are deemed admitted.

Misuse of Customer Funds

NASD Conduct Rule 2330(a) mandates that “[n]o member or other person associated with a member shall make improper use of a customer’s securities or funds.” A person misuses funds by failing to use or apply them as directed by the customer.⁶ Misuse of funds is “patently antithetical to high standards of commercial honor and just and equitable principles of trade,” and thus a violation of NASD Conduct Rule 2110.⁷

Jurica repeatedly misused funds and securities of customer JJS when, without the knowledge or consent of JJS, he transferred the funds and proceeds of the securities to himself for his own use and benefit instead of managing those funds and securities for the benefit of JJS’s family. By so doing, Jurica violated NASD Conduct Rules 2330 and 2110.

Failure to Provide Written Notification

Conduct Rule 3050(c), provides that an associated person:

[P]rior to opening an account or placing an initial order for the purchase or sale of securities with another member, shall notify both the employer member and the executing member, in writing, of his or her association with the other member; provided, however, that if the account was established prior to the association of the person with the employer member, the associated person shall notify both members in writing promptly after becoming so associated.

⁶ See *Alderman v. SEC*, 104 F.3d 285 (9th Cir. 1997).

⁷ *In re Wheaton D. Blanchard*, Exchange Act Release No. 12,484, 1976 SEC LEXIS 1571 at *2 (May 27, 1976); *In re Joel Eugene Shaw*, Exchange Act Release No. 34,509, 1994 SEC LEXIS 2493 at *6 (Aug. 10, 1994).

By failing properly to notify FNIC of his accounts at Ameritrade, and by failing to notify Ameritrade of his association with FNIC, Jurica violated Conduct Rule 3050(c). A violation of Conduct Rule 3050(c) is also a violation of Conduct Rule 2110.⁸

Failure to Provide Information

Procedural Rule 8210 authorizes NASD to require any person subject to its jurisdiction to provide information and testimony related to any matter under investigation. The Rule serves as a key element in NASD's oversight function and allows NASD to carry out its regulatory functions without subpoena power.⁹ When an individual fails to respond to information requests, NASD's ability to perform its regulatory responsibilities is subverted.¹⁰ A violation of Procedural Rule 8210 is also a violation of Conduct Rule 2110.¹¹

Jurica received actual notice of the third request for information and constructive notice of the other five requests. His complete failure to comply with any of the requests for information plainly constituted violations of Procedural Rule 8210 and Conduct Rule 2110.

⁸ *Stephen J. Gluckman*, Exchange Act Release No. 41,628, 1999 SEC LEXIS 1395, at *22 (July 20, 1999).

⁹ See *Joseph G. Chiulli*, Exchange Act Release No. 42,359, 2000 SEC LEXIS 112, at *16 (Jan. 28, 2000) (noting that Rule 8210 provides a means for NASD effectively to conduct its investigations, and emphasizing that NASD members and associated persons must fully cooperate with requests for information); *Dep't of Enforcement v. Benz*, No. C01020014, 2003 NASD Discip. LEXIS 11, at *18 (OHO Mar. 4, 2003) ("Because NASD has no subpoena power, timely and full compliance with information requests is essential to NASD's self-regulatory function.").

¹⁰ *Joseph P. Hannan*, Exchange Act Release No. 40,438, 1998 SEC LEXIS 1955, at *9 (Sept. 14, 1998).

¹¹ *Dep't of Enforcement v. Baxter*, No. C07990016, 2000 NASD Discip. LEXIS 3, at *25 (NAC Apr. 19, 2000).

Sanctions

Misuse of Funds

The NASD Sanction Guideline for misuse of funds recommends consideration of a bar.¹² Where the misuse occurred as a result of the respondent's misunderstanding of the customer's intended use of the funds, or where other mitigating factors exist, a suspension of six months to two years may be considered. Here there are no mitigating factors. The misuse was intentional and flagrant and amounts to conversion. Moreover, Jurica's misuse was aggravated by the forgery of the customer's signature on various account documents, his diversion of account statements to his own address, and his attempt to avoid detection by concealing his status as a registered representative from Ameritrade, and by his failure to notify FNIC that he had opened two accounts at Ameritrade. Accordingly, a bar is the appropriate sanction.¹³

Failure to Respond to Requests for Information

For failure to respond to requests for information made pursuant to Rule 8210, NASD Sanction Guidelines provide that a bar is the standard sanction where, as here, the individual did not respond in any way.¹⁴ There are no mitigating circumstances that would warrant a sanction less than a bar. Accordingly, Jurica will be barred in all capacities for failing to respond in any manner to requests for information made pursuant to Rule 8210.

Failure to Notify

When a registered representative effects transactions, but fails to comply with the notice requirements of Conduct Rule 3050, the NASD Sanction Guidelines recommend a

¹² NASD SANCTION GUIDELINES 38 (2005 ed.).

¹³ Enforcement does not seek restitution.

¹⁴ SANCTION GUIDELINES 35.

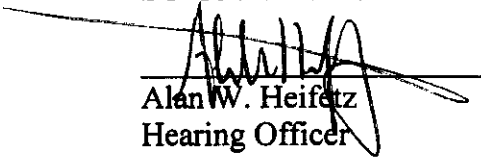
fine of \$1,000 to \$25,000.¹⁵ In egregious cases, the Guidelines recommend consideration of a suspension for up to two years or a bar.¹⁶

Jurica failed to provide notice of the transactions, in any manner, to either his employer or to Ameritrade. The clandestine opening of the outside accounts, the repetition of the transfers from the customer's account to his own, and the duration of the misconduct are aggravating circumstances that make the violations egregious. Accordingly, Jurica will be barred for failing to provide notice of the transactions, in violation of NASD Conduct Rules 3050(c) and 2110.

Conclusion

Brett A. Jurica is barred from association with any NASD member firm in any capacity for misusing customer funds, in violation of NASD Conduct Rules 2330; opening securities accounts at other member firms, without notice to his employing firm, and failing to advise the other member firms that he was a registered representative, in violation of NASD Conduct Rules 3050(c) and 2110; and failing to respond to NASD staff requests for information, in violation of Procedural Rule 8210 and Conduct Rule 2110. The bars shall become effective immediately if this Decision becomes the final disciplinary action of NASD.

SO ORDERED.

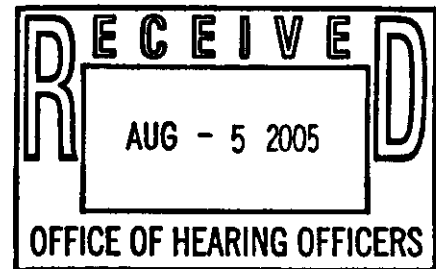


Alan W. Heifetz
Hearing Officer

¹⁵ SANCTION GUIDELINES 17.

¹⁶ *Id.*

NASD
OFFICE OF HEARING OFFICERS



DEPARTMENT OF ENFORCEMENT,

COMPLAINANT,

v.

BRETT A. JURICA,
CRD No. 2535339,

RESPONDENT.

DISCIPLINARY PROCEEDING
No. E3A2004031001

HEARING OFFICER:

COMPLAINT

Upon information and belief, Complainant alleges as follows:

1. Respondent Brett A. Jurica ("Jurica" or "Respondent") was associated with a member of NASD from December 1, 2002 through December 31, 2003, when he engaged in the conduct alleged herein to violate NASD Rules. Jurica first became associated with an NASD member in August 1994. His most recent association terminated in December 2003; however, an amended Uniform Termination Notice for Securities Industry Registration ("Form U-5") was filed on or about October 1, 2004, extending NASD's jurisdiction to bring a disciplinary action to September 30, 2006. Although Jurica is not presently associated with a member, NASD has jurisdiction to issue this Complaint pursuant to Article V, Section 4 of the NASD By-laws.

CAUSE ONE OF COMPLAINT

NASD Conduct Rules 2110 and 2330, Improper Use of Funds and Securities, by Respondent Jurica

2. Paragraph number 1, above, is realleged and incorporated herein by reference.
3. During the period from at least December 1, 2002, through December 31, 2003, JJS was a customer of Respondent at Financial Network Investment Corporation ("FNIC"). JJS was the trustee for a trust he had established (the "JJS Trust") that, among other investments, owned two variable annuities for which Respondent and FNIC were, respectively, the agent and dealer of record.
4. On or about December 2, 2002, Respondent completed and submitted an application to establish an account in the name of the Jurica Family Trust (the "Jurica Trust Account") at an NASD member other than FNIC ("Other Member 1"). That account was opened on or about December 3, 2002. Respondent named himself as the Trustee and Authorized Agent for the Jurica Trust Account.
5. Two days later, on or about December 4, 2002, Respondent completed and executed an application to establish another account at Other Member 1. This second account was in the name of the JJS Trust (the "JJS Trust Account"). Respondent indicated on that new account application that he would be the authorized agent for the account and that he was to receive statements and confirmations. Respondent also submitted two other documents to Other Member 1 in connection with opening the JJS Trust Account: (a) a "Full Trading Authorization with Privilege to Withdraw Money and/or Securities" granting himself the authority and privileges described therein with respect to the JJS Trust Account and (b) an

"Account Transfer Form" directing the broker-dealer then holding funds and securities for the JJS Trust to transfer the assets to the JJS Trust Account.

6. Between December 19, 2002 and February 7, 2002, Respondent submitted to Other Member 1 six requests to transfer funds or securities from the JJS Trust Account to the Jurica Trust Account. Other Member 1 transferred the funds and securities as requested. JJS did not authorize the transfers, nor was he aware that they had occurred. JJS did not intend for any portion of the assets of the JJS Trust Account to be transferred to the Jurica Trust Account. The transfers are described below.

Date of Request	Date of Transfer	Asset	Approx. Asset Value
12/19/02	12/20/02	Cash	\$5,000.00
1/17/03	1/23/03	750 shares Safenet	\$20,670.00
1/19/03	1/23/03	1,250 shares Safenet	\$33,550.00
1/29/03	1/31/03	500 shares Safenet	\$12,875.00
1/31/03	1/31/03	750 shares Safenet	\$17,632.50
2/7/03	2/10/03	1000 shares Bradley Pharmaceuticals	\$12,390.00

7. Respondent sold the securities transferred into the Jurica Trust Account, as described in paragraph 6 above, on January 28, 2003, January 31, 2003 and February 14, 2003.
8. On or about May 27, 2003, Respondent submitted to the member firm holding the variable annuities owned by the JJS Trust ("Other Member 2") a request to change the address information for the variable annuity contracts to Respondent's CRD address. Other Member 2 complied with this request.

9. On or about May 28, 2003, Respondent submitted to Other Member 2 a "Withdrawal/Surrender Request" to withdraw \$60,000.00 from one of the variable annuities owned by the JJS Trust and deliver the funds to the JJS Trust Account. The JJS Trust Account received \$60,000.00 on or about June 3, 2003. On or about June 10, 2003, Respondent submitted to Other Member 1 a request to transfer \$59,000.00 from the JJS Trust Account to the Jurica Trust Account. Other Member 1 complied with this request and, on or about June 13, 2003, that amount was received into the Jurica Trust Account.
10. On or about October 6, 2003, Respondent submitted to Other Member 2 a "Withdrawal/Surrender Request" to withdraw \$45,000.00 from one of the variable annuities owned by the JJS Trust and deliver the funds to the JJS Trust Account. The JJS Trust Account received \$45,000.00 on or about October 16, 2003. On or about November 13, 2003, Respondent submitted to Other Member 1 a request to transfer \$45,000.00 from the JJS Trust Account to the Jurica Trust Account. Other Member 1 complied with this request and, on or about November 19, 2003, that amount was received into the Jurica Trust Account.
11. JJS did not authorize the withdrawal of funds from the variable annuity contracts held by Other Member 2 as described in paragraphs 9 and 10 above, nor was he aware that the funds had been withdrawn. JJS did not authorize the transfer from the JJS Trust Account to the Jurica Trust Account of funds received from the variable annuity withdrawals, nor did he know that the transfers had occurred. JJS did not intend for any portion of the value of the variable annuity contracts to be transferred to the Jurica Trust Account.
12. The conduct described in paragraphs 3 – 11 above constituted the misappropriation of funds and securities belonging to the JJS Trust by Respondent for his own use and benefit. Each instance of misappropriation constituted the improper use of customer funds or securities and

a separate and distinct violation of NASD Conduct Rule 2330 by Respondent Jurica. Further, each instance of improper use of customer funds or securities was inconsistent with high standards of commercial honor and just and equitable principles of trade and a separate and distinct violation of NASD Conduct Rule 2110 by Respondent Jurica.

CAUSE TWO OF COMPLAINT

NASD Conduct Rules 2110 and 3050, Failure to Provide Written Notification, by Respondent Jurica

13. Paragraphs 1 and 3-12, above, are realleged and incorporated herein by this reference.
14. Pursuant to NASD Conduct Rule 3050, Respondent was required to provide written notice to Other Member 1, prior to opening or placing an order for the S Trust account or the Jurica Trust account, that he was an associated person of FNIC. Respondent failed to provide such notice. Respondent untruthfully stated on the account application for the Jurica Trust account that he was self-employed in the financial and real estate business. On both the Jurica Trust account application and the trading authorization he completed for the S Trust account, an inquiry directed Respondent to "Check here if you are licensed or employed by a registered broker-dealer." Respondent knowingly and willfully failed to check the circle indicated and disclose his association with FNIC. By untruthfully stating that he was self-employed and failing to indicate that he was licensed with FNIC, Respondent deliberately concealed his association with FNIC from Other Member 1.
15. Rule 3050 also required Respondent to notify FNIC of his authority and control over the Jurica Trust account and the S Trust account at Other Member 1. Respondent knowingly and willfully failed to provide to FNIC the written notice required by Rule 3050.

16. Failing to provide written notification to FNIC and Other Member 1, as described in paragraphs 14 and 15 above, constituted a violation of NASD Conduct Rule 3050(c) by Respondent Jurica. Further, such conduct was inconsistent with high standards of commercial honor and just and equitable principles of trade and a violation of NASD Conduct Rule 2110 by Respondent Jurica.

CAUSE THREE OF COMPLAINT

NASD Procedural Rule 8210 and NASD Conduct Rule 2110, Failure to Provide Information, by Respondent Jurica

17. The allegations of paragraphs 1, 3-12 and 14-16, above, are realleged and incorporated herein by this reference.
18. Between October 7, 2004 and March 14, 2005, NASD staff sent six written requests to Respondent asking for information about the conduct described in Causes One and Two above. The requests were made pursuant to Procedural Rule 8210, to which Respondent was subject because his most recent association with a member had terminated within two years of the date of the request. Each request was sent by certified and first-class mail to Respondent at his CRD address, [REDACTED] Each request included a date by which the information was to be provided. The first request was sent on October 7, 2004 and a response was required by October 21, 2004. No information was received in response to that request. Both the certified and first-class mailings were returned to the staff undelivered.
19. The second request was sent on October 20, 2004 to the CRD address and to [REDACTED] [REDACTED] (the "Monterosa address"), an address shown on stickers affixed to the returned mailings of the first request. The response was due on or

before November 3, 2004. The certified and first-class mailings to each address were returned undelivered. No information was provided in response to the requests.

20. The third, fourth, fifth and sixth requests were sent to the CRD address, to the Monterosa address and to two other addresses obtained by the staff during the investigation: [REDACTED]

[REDACTED] (the "Chapparel address") and [REDACTED]

[REDACTED] (the "California address").

21. The third request was sent on November 5, 2004 and required Respondent to provide the requested information by November 19, 2004. The certified and first-class mailings to the CRD and Monterosa addresses were returned undelivered. The staff received a certified mail receipt indicating that delivery of the certified mailing to the Chapparel address was accepted on or about November 8, 2004 by "C. Hathaway." The staff also received a certified mail receipt indicating that delivery of the certified mailing to the California address was accepted on or about November 8, 2004 by Respondent. The first-class mailings to the Chapparel and California addresses were not returned. No information was received in response to this request.

22. The fourth request was sent on December 22, 2004, with a deadline of January 5, 2005 for Respondent's response. The certified and first-class mailings to the CRD, Monterosa and Chapparel addresses were returned undelivered. The certified mailing to the California address was returned unclaimed, but the first-class mailing to that address was not returned. No information was received in response to this request.

23. The fifth request was sent on March 2, 2005 and specified that the information was to be provided on or before March 11, 2005. The certified and first-class mailings to the CRD, Monterosa and Chapparel addresses were returned undelivered. The certified mailing to the

California address was returned unclaimed and the first-class mailing to that address was not returned. No information was received in response to this request.

24. The sixth and final request was sent on March 14, 2005, with a due date of March 23, 2005.

The certified and first-class mailings to the CRD, Monterosa and Chapparel addresses were returned undelivered. The staff received an unsigned, undated certified mail delivery receipt for the certified mailing to the California address and the first-class mailing to that address was not returned. No information was received in response to this request.

25. The failures to provide information requested pursuant to Procedural Rule 8210, as described in paragraphs 18-24 above, constituted separate and distinct violations of Procedural Rule 8210 by Respondent Jurica. Further, such conduct was inconsistent with high standards of commercial honor and just and equitable principles of trade and constituted separate and distinct violations of NASD Conduct Rule 2110 by Respondent Jurica.

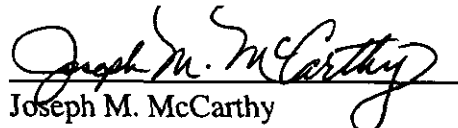
PRAYER FOR RELIEF

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: August 3, 2005


Joseph M. McCarthy
Associate Vice President and
District Director
NASD District No. 3
370 - 17th Street, Suite 2900
Denver, CO 80202


Jacqueline D. Whelan
Regional Counsel,
Department of Enforcement
NASD District No. 3
370 - 17th Street, Suite 2900
Denver, CO 80202

Rory C. Flynn, Of Counsel
NASD Department of Enforcement
1801 K Street, N.W., Suite 800
Washington, D.C. 20006
(202) 974-2874

Lewis Taylor Egan, Of Counsel
NASD Department of Enforcement
525 Market Street, Suite 300
San Francisco, CA 94105