

**NASD
OFFICE OF HEARING OFFICERS**

Department of Enforcement, Complainant vs. BRAD A. WEAVER, Registered Representative (CRD No. 2505931) Respondent	Disciplinary Proceeding No. E8A2004050201 Hearing Officer COMPLAINT
--	--

Upon information and belief, Complainant alleges as follows:

1. Brad A. Weaver ("Respondent") was registered with Raymond James Financial Services, Inc. ("RJFS"), a member of NASD, as a General Securities Representative between June 1999 and April 2003, and as a General Securities Principal between September 1999 and April 2003. Respondent then was registered with Fiducial Investment Advisors, Inc. as a General Securities Representative and a General Securities Principal between April 11, 2003 and January 26, 2004. Respondent therefore is subject to the jurisdiction of the NASD, pursuant to Article V, Section 4 of the NASD's By-Laws.

FIRST CAUSE FOR COMPLAINT
NASD Conduct Rule 2110 and Membership and Registration Rule 1031
Permitting A Barred, Unassociated Person to Engage in the Activities Requiring
Registration

2. Sometime prior to January 9, 2003, but while Respondent was registered

with RJFS, Respondent gave blank forms that RJFS used to open new securities accounts (“RJFS new account form”) for members of the public to Thomas Bandyk.

3. On or about January 9, 2003, Respondent received an RJFS new account form that had been completed by Thomas Bandyk (“Bandyk”). The RJFS new account form that Respondent received from Bandyk was to open a securities account for public customer J.K.

4. Respondent never met with, or talked to, J.K. Respondent also did not verify any of the information, including J.K.’s signature, on the RJFS new account form.

5. Nevertheless, Respondent signed the new account form and submitted the RJFS new account form to RJFS, and a securities account was opened for J.K. at RJFS.

6. Bandyk was never a person associated in any way with RJFS. In fact, Bandyk was barred in February 1995 by the SEC for conducting excessive, unsuitable and unauthorized trading in customer accounts, and for making misrepresentations to customers, in violation of Section 17(a) of the Securities Act, Section 10(b) of the Exchange Act and Rule 10b-5 promulgated thereunder.

7. Respondent, by simply signing the RJFS new account form, that was purportedly signed by J.K., and sending it on to RJFS on or about January 9, 2004, in order to open a securities account in J.K.’s name, permitted Bandyk to engage in the securities business while not only being unregistered, but barred, from the industry.

8. The acts, practices and conduct described above constituted a violation of NASD Conduct Rule 2110 and Membership and Registration Rule 1031 by Respondent.

SECOND CAUSE FOR COMPLAINT
SEC Rule 17a-3 and NASD Conduct Rules 2110 and 3110
Causing Inaccurate Books and Records

9 Between approximately May 6, 2002 and October 15, 2002, Respondent deposited \$118,825 belonging to Bandyk in Respondent's personal bank account, transferred the funds to Respondent's personal securities account at RJFS, and used the funds to purchase securities.

10. During the same approximate time period, Respondent distributed \$178,800 from the securities account to Bandyk.

11. Respondent, by placing Bandyk's funds into his personal bank account and then using the funds to purchase securities in his securities account, caused RJFS's books and records to be inaccurate. RJFS's records showed that securities were being purchased by Respondent for Respondent's securities account, when in fact, securities were being purchased by and for Bandyk. Moreover, RJFS's records showed that Respondent was receiving cash from the account when in fact Bandyk was receiving cash from the account.

12. The acts, practices and conduct described above constitute separate and distinct violations of SEC Rule 17a-3 and NASD Conduct Rules 2110 and 3110 by Respondent.

THIRD CAUSE FOR COMPLAINT
NASD Conduct Rules 2110 and 2330(e)
Guarantees Against Loss

13. At all times relevant, D.H. was a public customer who maintained a securities account that was serviced by Respondent.

14. In February 2002, Respondent sent a check, dated February 22, 2002, and

in the amount of \$5,500, to D.H. The check was written against Beta Asset Management's checking account, an account solely owned by Respondent, and was signed by Respondent.

15. In August 2002, Respondent sent a check, dated August 15, 2002, and was in the amount of \$6,300, to D.H. The check was written against Beta Asset Management's checking account, an account solely owned by Respondent, and was signed by Respondent.

16. On both occasions, Respondent directed D.H. to deposit the two checks, described in Paragraphs 17 and 18 above, into D.H.'s checking account and to send D.H.'s personal check to RJFS to credit Hansen's securities account. On both occasions, D.H. did as he was directed by Respondent.

17. Respondent, in a letter to NASD staff, admitted giving the checks to D.H. in order to compensate D.H. for losses in D.H.'s securities account at RJFS. Respondent, in the same letter, also admitted that, while could not explain how the amounts of the checks were determined, he did not feel he should be compensated when the client has a loss.

18. However, the deposit of Respondent's \$5,500 raised the cash balance in D.H.'s securities account at RJFS to \$1.05, and the \$6,300 deposit raised the cash balance in D.H.'s securities account to \$163.58. Respondent therefore was placing funds in D.H.'s account in the amounts needed to give D.H.'s account a positive balance.

19. The acts, practices and conduct described above constitute separate and distinct violations of NASD Conduct Rules 2110 and 2330(e).

FOURTH CAUSE FOR COMPLAINT
NASD Conduct Rules 2110 and 3030
Outside Business Activities

20. Between approximately April 15, 2003 and October 8, 2003, Respondent engaged in outside business activities by receiving approximately \$16,016 in compensation for selling fixed annuities through either Fidelity & Guaranty Life or Allianz to at least seven members of the public.

21. In connection therewith, Respondent failed and neglected to give prompt written notice of his engagement in such activities to Fiducial Investment Advisors, Inc.

22. The acts, practices and conduct described above constitute separate and distinct violations of NASD Conduct Rules 2110 and 3030.

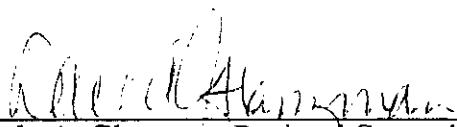
PRAYER FOR RELIEF

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 Respondent in accordance with NASD Procedural Rule 8310;
- C. An order imposing such costs of any proceeding as are deemed fair and appropriate under the circumstances in accordance with NASD Procedural Rule 8330; and

D. An order imposing any other fitting sanction.

Dated: January 6, 2006


Dale A. Glanzman, Regional Counsel
Mark A. Koerner, Regional Chief Counsel
NASD Department of Enforcement
55 W. Monroe St., 27th Floor
Chicago, IL 60603
(312) 899-4312; Fax No. (312) 899-4312

NASD District Director

Carlotta A. Romano
Senior Vice President and
Regional Director
NASD, District 8
55 W. Monroe St., 27th Floor
Chicago, IL 60603
(312) 899-4324

Of Counsel

Rory C. Flynn
NASD Department of Enforcement
1801 K Street, N.W., Suite 800
Washington, D.C. 20006
(202) 974-2974; Fax No. (202) 721-8318

Roger D. Hogoboom
NASD Department of Enforcement
370 17th Street, Suite 2900
Denver, CO 80202
(303) 446-3114; Fax No. (303) 620-9540