

**NASD
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant

vs.

CALVIN W. MCCLINTOCK
Registered Representative
(CRD No. 3040464)

Respondent

**Disciplinary Proceeding
No. E8A2004085901**

Hearing Officer

**AMENDED
COMPLAINT**

Upon information and belief, Complainant alleges as follows:

1. Between approximately July 1998 and August 2004, Calvin W. McClintock ("Respondent") was registered as a General Securities Representative with A.G. Edwards & Sons, Inc. ("Member"), a member of NASD. 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
Unauthorized Trading
Violations of NASD Conduct Rules 2110 and IM 2310-2**

2. During all relevant times, J.F., J.F and T.F. were public customers who maintained a securities account as joint tenants at the Member that was serviced by Respondent.

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3. On or about June 25, 2004, Respondent sold or caused the sale of approximately 2,821 shares of a Franklin Custodian Funds mutual fund at a cost of \$6,653.12 from the joint account of public customers J.F., J.F. and T.F., without the knowledge or consent of the public customers and in the absence of written or oral authorization to Respondent to exercise discretion in said account.

4. On or about June 25, 2004, Respondent purchased or caused the purchase of 7,000 FHLMC notes at a cost of \$7,128.08 for the joint account of public customers J.F., J.F. and T.F., without the knowledge or consent of the public customers, and in the absence of written or oral authorization to Respondent to exercise discretion in said account.

5. The acts, practices and conduct above constitute separate and distinct violations of NASD Conduct Rules 2110 and IM 2310-2 by Respondent.

SECOND CAUSE FOR COMPLAINT
Unauthorized Trading
Violation of MSRB Rule G-17

6. During all relevant times, D.M. was a public customer who maintained a securities account at the Member that was serviced by Respondent.

7. On or about July 27, 2004, Respondent purchased or caused the purchase of 5,000 Port Tacoma, Washington bonds at a cost of \$5,073.75 for the joint account of public customer D.M., without the knowledge or consent of D.M., and in the absence of written or oral authorization to Respondent to exercise discretion in said account.

8. The acts, practices and conduct above constitute separate and distinct violations of MSRB Rule G-17.

THIRD CAUSE FOR COMPLAINT
NASD Conduct Rule 2110 and NASD Procedural Rule 8210
Failure to Respond to Requests for Information

9. On or about October 15, 2004, NASD staff sent to Respondent a request that he provide certain documents and information, pursuant to and in accordance with the provisions of NASD Procedural Rule 8210. That request for information was sent by first class mail and by certified mail, return receipt requested, to Respondent's address of record as contained in the records of the Central Registration Depository ("CRD address"). The first class mailing was not returned to NASD staff. The receipt for the certified mailing to Respondent was returned, apparently signed by "Calvin McClintock."

10. On or about November 2, 2002, NASD staff sent to Respondent the same request, described in Paragraph 9 above, that he provide certain documents and information, pursuant to and in accordance with the provisions of NASD Procedural Rule 8210. That request for information was sent by first class mail and by certified mail, return receipt requested, to Respondent's CRD address. The first class mailing was not returned to NASD staff. The receipt for the certified mailing to Respondent was returned, apparently signed by "Calvin McClintock."

11. Respondent has failed to respond to each and all of the requests for documents and information described in Paragraphs 9 through 10 above to date, and the dates for responding to the requests have passed.

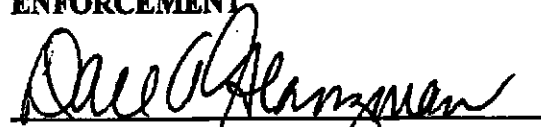
12. The acts, practices and conduct described above constitute a violation of NASD Conduct Rule 2110 and Procedural Rule 8210 by Respondent.

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.

NASD DEPARTMENT OF ENFORCEMENT



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Dated: August 18, 2005

NASD District Director

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