

**NASD
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant

vs.

GREGORY BOSTON
Registered Representative
(CRD No. 2064738)

Respondent

**Disciplinary Proceeding
No. E8A2004107701**

Hearing Officer:

COMPLAINT

Upon information and belief, Complainant alleges as follows:

1. Between on or about December 17, 2002 and on or about April 25, 2003, Gregory Boston ("Boston") was associated with Stifel, Nicolaus & Company Incorporated ("Stifel"), a member of NASD. Between on or about April 25, 2003 and on or about June 22, 2004, Boston was associated with H & R Block Financial Advisors, Inc. ("H & R"). In or about January 2005, H & R filed a Uniform Termination Notice for Securities Industry Registration (Form U-5), which terminated Boston's association with H & R. Given that this complaint was filed within two years of the effective date of the termination of association of Boston with H & R, Boston is subject to the jurisdiction of NASD, pursuant to Article V, Section 4 of NASD's By-Laws.

**FIRST CAUSE FOR COMPLAINT
NASD Conduct Rule 2110
Improper Use**

1. Between on or about December 17, 2002 and on or about April 25, 2003, Boston,

while serving as treasurer for public customer FBC, improperly used their funds totaling approximately \$10,000 by writing 11 checks to himself and his wife, without the knowledge and approval of public customer FBC.

2. Between on or about April 25, 2003 and on or about June 22, 2004, Boston, while serving as treasurer for public customer FBC, improperly used their funds totaling approximately \$13,000 by writing 36 checks to himself and his wife, without the knowledge and approval of public customer FBC.

3. Such acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rule 2110 on the part of Boston.

SECOND CAUSE FOR COMPLAINT
NASD Conduct Rule 2110 and NASD Procedural Rule 8210
Failure to Respond to a Written Request

4 Paragraphs 1 through 3 above are realleged and incorporated herein by reference.

5. On or about February 15, 2005, NASD staff sent Boston a letter requesting that he provide information with regard to his handling of funds involving public customer FBC by March 4, 2005. The request, which was made pursuant to and in accordance with the provisions of NASD Procedural Rule 8210, was sent via first class mail and certified mail, return receipt requested, to Boston's address of record as contained in the records of the Central Registration Depository ("CRD address"). The first class mail was never returned and the return receipt was sent back with the signature of Gregory Boston and the date of delivery of February 18, 2005.

6. On or about March 23, 2005, NASD staff sent Boston a second letter along with the letter dated February 15, 2005. In that letter, NASD staff asked Boston to provide information with regard to his handling of funds involving public customer FBC by April 8, 2005. The

second letter was sent via first class mail and certified mail, return receipt requested, to Boston's CRD address. The first class mail was never returned and the return receipt was sent back with the signature of Bethany Boston and the date of delivery of March 25, 2005.

7. Boston has never contacted the NASD staff with regard to the letters sent on February 15, 2005 and March 23, 2005.

8. The acts, practices and conduct described above constitute separate and distinct violations of NASD Conduct Rule 2110 and Procedural Rule 8210 by Boston.

PRAYER FOR RELIEF

WHEREFORE, Complainant respectfully requests:

- A. Findings of fact and conclusions of law that Boston committed the violations charged and alleged herein;
- B. An order imposing sanctions upon Boston 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 Rule 8330; and
- D. An order imposing any other fitting sanction.

NASD DEPARTMENT OF ENFORCEMENT

Date: October 19, 2005



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