

NASD
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. ELI20040142-01

TO: Department of Enforcement
NASD

RE: Advanced Planning Securities, Inc.
[BD No. 14382]

Pursuant to Rule 9216 of NASD Code of Procedure, Advanced Planning Securities, Inc. ("Respondent") submits this Letter of Acceptance, Waiver and Consent ("AWC") for the purpose of proposing a settlement of the alleged rule violations described in Part II below. This AWC is submitted on the condition that, if accepted, NASD will not bring any future actions against Respondent alleging violations based on the same factual findings.

Respondent understands that:

1. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by NASD's Department of Enforcement and National Adjudicatory Council ("NAC") Review Subcommittee or Office of Disciplinary Affairs ("ODA"), pursuant to NASD Rule 9216;
2. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against Respondent; and
3. If accepted:
 - a. this AWC will become part of Respondent's permanent disciplinary record and may be considered in any future actions brought by NASD or any other regulator against Respondent;
 - b. this AWC will be made available through NASD's public disclosure program in response to public inquiries about Respondent's disciplinary record;
 - c. NASD may make a public announcement concerning this agreement and the subject matter thereof in accordance with NASD Rule 8310 and IM-8310-2; and
 - d. Respondent may not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any allegation in this AWC or create

the impression that the AWC is without factual basis. Nothing in this provision affects Respondent's testimonial obligations or right to take legal or factual positions in litigation or other legal proceedings in which NASD is not a party.

Respondent also understands that its experience in the securities industry and disciplinary history may be factors that will be considered in deciding whether to accept this AWC. That experience and history are as follows:

Respondent has been a member of NASD since December 1983. Respondent does not have any relevant disciplinary history with the United States Securities and Exchange Commission, any state securities regulator, or self-regulatory organization.

I.

WAIVER OF PROCEDURAL RIGHTS

Respondent specifically and voluntarily waives the following rights granted under NASD's Code of Procedure:

- A. To have a Formal Complaint issued specifying the allegations against it;
- B. To be notified of the Formal Complaint and have the opportunity to answer the allegations in writing;
- C. To defend against the allegations in a disciplinary hearing before a hearing panel, to have a written record of the hearing made and to have a written decision issued; and
- D. To appeal any such decision to the NAC and then to the U.S. Securities and Exchange Commission and a U.S. Court of Appeals.

Further, Respondent specifically and voluntarily waives any right to claim bias or prejudgment of the General Counsel, the NAC, or any member of the NAC, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including acceptance or rejection of this AWC.

Respondent further specifically and voluntarily waives any right to claim that a person violated the *ex parte* prohibitions of Rule 9143 or the separation of functions prohibitions of Rule 9144, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including its acceptance or rejection.

II.

ACCEPTANCE AND CONSENT

A. Respondent hereby accepts and consents, without admitting or denying the findings, and solely for the purposes of this proceeding and any other proceeding brought by or on behalf of NASD, or to which NASD is a party, prior to a hearing and without an adjudication of any issue of law or fact, to the entry of the following findings by NASD:

1. During the period from December 11, 2001 through August 16, 2002, Advanced Planning permitted two of its registered representatives to act in a capacity that required registration while their registration status was inactive with NASD:
 - a. From March 3, 2002 through April 1, 2002, Advanced Planning permitted SB to act in a capacity that required registration while SB's registration status with NASD was inactive due to his failure to complete the Regulatory Element of NASD's Continuing Education requirement.
 - b. From December 11, 2001 through August 16, 2002, Advanced Planning permitted AW to act in a capacity that required registration while AW's registration status with NASD was inactive due to his failure to complete the Regulatory Element of NASD's Continuing Education requirement.

By reason of the foregoing, Respondent violated NASD Membership and Registration Rule 1120(a) and NASD Conduct Rule 2110.

2. From on or around December 1, 2000 through on or around March 31, 2004, Respondent failed to report statistical and summary information regarding five customer complaints, as required by NASD Conduct Rule 3070(c). By reason of the foregoing, Respondent violated NASD Conduct Rules 3070 and 2110.
 3. Respondent prepared an inaccurate month-end net capital computation and filed an inaccurate FOCUS report for October 2004. Respondent's original filing on November 19, 2004 incorrectly reported net capital and excess net capital to be \$92,818 and \$81,273. The amended FOCUS Report filed on December 28, 2004 correctly reported net capital of \$31,114 and excess net capital of \$13,747. By reason of the foregoing, Respondent violated SEC Rule 17a-5 and NASD Conduct Rule 2110.
- B. Respondent also consents to the imposition, at a maximum, of the following sanctions:

- A censure; and,
 - A fine of \$10,000.00.
- C. The sanctions imposed herein shall be effective on a date set by NASD Staff.

III.

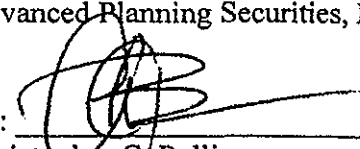
OTHER MATTERS

- A. Respondent understands that it may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. Respondent understands that it may not deny the charges or make any statement that is inconsistent with the AWC in this Statement. This Statement does not constitute factual or legal findings by NASD, nor does it reflect the views of NASD or its staff.
- B. Respondent agrees to pay any monetary sanctions imposed on it upon notice that this AWC has been accepted and that such payments are due and payable and have attached Election of Payment forms showing the method by which Respondent proposes to pay any fine imposed.
- C. Respondent specifically and voluntarily waives any right to claim that it is unable to pay, now or at any time hereafter, any monetary sanction imposed in this matter.

Respondent certifies that it has read and understands all of the provisions of this AWC and has been given a full opportunity to ask questions about it, and that no offer, threat, inducement, or promise of any kind, other than the terms set forth herein, have been made to induce Respondent to submit it.

11/10/06
Date

Advanced Planning Securities, Inc.

By: 
Christopher C. Pollina
President

Signed on behalf of the Director of
ODA, by delegated authority

11/22/06
Date

Vaishali S. Shetty /clw
Vaishali S. Shetty
Regional Counsel
NASD Department of Enforcement
Two Jericho Plaza, 2nd Floor
Jericho, New York 11753
(516) 949-4237; Fax: (516) 949-4201

NASD Deputy District Director

Patricia A. Cappeto
NASD, District 10, Long Island
Two Jericho Plaza, 2nd Floor
Jericho, New York 11753
(516) 949-4237; Fax: (516) 949-4201