

**NASD OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,  Complainant,  v.  Respondent.	Disciplinary Proceeding No. CAF040056  Hearing Officer – DRP
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**ORDER REJECTING FILING**

NASD Procedural Rule 9136(c) requires that a signed original and three copies of all papers shall be filed with the Adjudicator. In addition, NASD Procedural Rule 9135(a) states that papers required to be filed within a time limit specified by the Hearing Officer shall be considered timely if *received* by the Office of Hearing Officers within the time limits set by the Hearing Officer.

On September 15, 2004, the Hearing Officer issued an Order Regarding Filing Papers with the Office of Hearing Officers in order to remind counsel of the requirements listed in Rule 9136. Moreover, on September 16, 2004, the Hearing Officer issued a Scheduling Order setting October 11, 2004 as the deadline for filing pre-hearing submissions pursuant to Rule 9242. The pre-hearing submissions were to include, among other things, copies of exhibits marked for identification according to the instructions in the Order.

On October 11, 2004, the Office of Hearing Officers received Respondent's pre-hearing Brief via overnight courier, and Respondent's witness and exhibit lists and a certificate of service via facsimile. On October 12, 2004, the Office of Hearing Officers received from Respondent one set of proposed exhibits. Not all of the exhibits referred to in Respondent's exhibit list were

**This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 04-27 (CAF040056).**

included, nor were the proposed exhibits marked for identification in accordance with the Scheduling Order.

The exhibits, which are being returned to counsel for Respondent with this Order, do not comply with requirements set forth in NASD's rules or with the Scheduling Order and are hereby rejected. They are not a part of the record in this proceeding.

**SO ORDERED.**

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Dana R. Pisanelli  
Hearing Officer

Dated:           October 12, 2004  
                    Washington, DC