

This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 04-21 (C9B040080).

NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

Respondent.

Disciplinary Proceeding
No. C9B040080

Hearing Officer – SNB

ORDER DENYING MOTION FOR A MORE DEFINITE STATEMENT

On September 7, 2004, Respondent filed a Motion for a More Definite Statement (“Motion”) pursuant to NASD Procedural Rule 9215(c), along with his Answer. On September 17, 2004, the Complainant filed a Response to the Motion.

The Complaint charges that Respondent violated NASD Conduct Rule 2110 and NASD Procedural Rule 8210 by failing to respond to on-the-record and written requests for information regarding the nature of a \$10,000 payment made to him by a customer. Respondent’s Motion essentially requests detail as to the case law pertaining to 8210 requests generally, and a further explanation as to the relevance of the tax returns specifically.

Procedural Rule 9212(a) requires that a complaint “specify in reasonable detail the conduct alleged to constitute the violative activity and the rule, regulation, or statutory provision the Respondent is alleged to be violating or to have violated.” This requirement is satisfied if the

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allegations provide a Respondent "sufficient notice to understand the charges and adequate opportunity to plan a defense."

The Complaint meets these requirements. It specifies Respondent's alleged misconduct in reasonable detail and gives sufficient notice of the charge and an adequate opportunity to plan a defense. Separately, Complainant's Response to the Motion provided information regarding the legal authority that it relies upon in pursuing the claim. Respondent's Motion is denied.

SO ORDERED.

Sara Nelson Bloom
Hearing Officer

September 27, 2004
Washington, DC