

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

CANTONE RESEARCH INC.
(CRD No. 26314),

ANTHONY J. CANTONE
(CRD No. 1066139),

and

RAYMOND J. DEROBPIO
(CRD No. 1092310),

Respondents.

Disciplinary Proceeding
No. 2017055886402

Hearing Officer–LOM

**ORDER GRANTING MOTION TO CONTINUE HEARING
AND REQUIRING PARTIES TO SUBMIT JOINT PROPOSED SCHEDULE**

On September 16, 2022, Respondent Raymond J. DeRobbio filed a motion to continue the hearing in this matter. As grounds, he explained that he recently learned that his former counsel of record was no longer able to represent him because counsel's law license has been suspended. DeRobbio's counsel did not inform him of the suspension and has not responded to DeRobbio's subsequent attempts to contact him. In essence, DeRobbio's counsel has abandoned the representation without notice. In his motion requesting a continuance, DeRobbio acknowledged FINRA's interest in moving the case forward in an expeditious manner but argued that forcing him to proceed without counsel, in the circumstances, would be unfair. He asserted that he would be unable to represent himself effectively and noted that he did not cause the delay resulting from the disqualification of his counsel.

I held a pre-hearing videoconference on September 21, 2022, to discuss DeRobbio's motion and the parties' progress in preparing for the hearing, which was then scheduled to begin on December 5. I asked Enforcement to present its opposition to the motion orally at the videoconference, which it did. Enforcement pointed out that DeRobbio included in his motion only vague references to his attempts to retain counsel. He said he had contacted three attorneys

who all told him they could not undertake the representation under the current schedule, but he provided no details. There was no assurance that granting him a delay to find representation would not give rise to yet further delay.

At the videoconference, however, DeRobbio identified the attorneys he had contacted about representing him, and counsel for the Cantone Respondents provided additional information about their availability if the hearing dates should be extended. It appears that at least one of the attorneys with whom DeRobbio spoke would agree to represent him if the hearing were rescheduled for two or three months later. The attorney did not think he could adequately prepare for the hearing on the current schedule and had a conflict with the December hearing dates.

I previously granted one unopposed motion for continuance of the hearing from September to December, which the Cantone Respondents requested after individual Respondent Cantone suffered a medical emergency.¹ I denied a second request by the Cantone Respondents for a continuance until spring 2023 mainly for lack of a sufficient record to evaluate Cantone's ability to prepare for the hearing and participate in his defense.²

Although many of the other reasons I denied the second Cantone motion to continue the hearing have not changed—this case is aging, other extensions have been granted, the case is at a relatively late stage, and the potential for harm to the investing public from delay remains the same—circumstances beyond Respondent DeRobbio's control give rise to additional considerations. There should be a balance between expeditious resolution of the matter and reasonable adjustments in the schedule to ensure that Respondent has a fair opportunity to defend himself. DeRobbio did not intentionally cause delay, and he appears to have taken timely and purposeful steps to obtain representation. The information provided at the videoconference provides a basis for believing that this continuance will not lead to further delay. And the participation of experienced counsel on DeRobbio's behalf could facilitate the clear and efficient presentation of the evidence at the hearing. FINRA Rule 9222 allows me to consider "such other matters as justice may require" in considering a request for continuance or postponement of the hearing.

At the conclusion of the videoconference, I asked the parties to confer and submit to the Office of Hearing Officers new hearing dates no later than March 2023. Today the parties submitted proposed hearing dates in March running from March 6 through March 23.

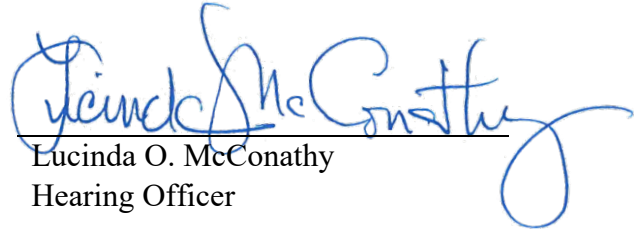
DeRobbio's motion to continue the hearing is **GRANTED** and the hearing is rescheduled to begin on March 6, 2023, and potentially run through March 17. The continuance is contingent on DeRobbio's prompt retention of counsel, who, as previously Ordered, shall file an appearance and a power of attorney. Any future request for a continuance of the hearing will be highly disfavored. The parties are further **ORDERED** to confer and submit to the Office of Hearing

¹ Order Granting Unopposed Motion for Continuance, July 5, 2022.

² Order Denying Motion to Continue Hearing and Setting Schedule, September 12, 2022.

Officers a revised joint proposed schedule based on the new hearing dates. That schedule shall include a pre-hearing conference on October 26, 2022, at 2 p.m. (Eastern) to discuss the status of the parties' pre-hearing preparations. The joint proposed schedule should be submitted no later than October 7, 2022.

SO ORDERED.


Lucinda O. McConathy
Hearing Officer

Dated: September 23, 2022

Copies to:

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