

NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,		
	Complainant,	Disciplinary Proceeding No. ARB060023
v.		Hearing Officer – AWH
	Respondent.	

ORDER OVERRULING OBJECTION TO TELEPHONIC HEARING

On September 11, 2006, Respondent filed her Objection to Telephonic Hearings Due to Confidentiality of Financial Information and Non-secure Digital Telephonic Transmission Risk. Respondent asserts that, among other things, her telephones, fax machines, and computer have been “hacked into and deviously manipulated” by the underlying arbitration claimant’s litigation team to gain access to confidential information. Respondent seeks to have the initial pre-hearing conference and the hearing held in person, either in Los Angeles, California, or Washington, D.C., in order to protect the confidentiality of her financial information. For the following reasons, the Objection is overruled, and the pre-hearing conference and the hearing will be held by telephone conference call as scheduled.

Under Procedural Rule 9559, hearings in expedited proceedings, such as this one, are generally held by telephone conference to conserve time and resources. Procedural issues are the subject during an initial pre-hearing conference, and the purpose of the conference is to expedite the disposition of the proceeding. During the initial pre-hearing conference, no confidential financial information is discussed. Finally, although during the hearing such financial

This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 06-39 (ARB060023).

information may be offered into evidence, Respondent is not required to call the conference operator from her home telephone. If she is concerned that her telephone security has been compromised, she may take whatever steps may be necessary to determine whether her telephone system has been compromised, and, if so, to remediate the situation, or she may call the conference operator from any other telephone.

In a separate pleading, Respondent requests that papers be served on her at a new Post Office address, and not on her prior employer or the address listed in the Central Registration Depository. Pursuant to Procedural Rule 9134(b)(1), the Hearing Officer waives the requirement that papers be served on Respondent at the address listed in the Central Registration Depository. Moreover, her prior employer need not be served. Service shall be made on Respondent only at the new Post Office Box address.

SO ORDERED.

Alan W. Heifetz
Hearing Officer

Dated: September 15, 2006