

This Order has been published by FINRA's Office of Hearing Officers and should be cited as OHO Order 12-05 (2010024320101).

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

RESPONDENT,

Respondent.

Disciplinary Proceeding  
No. 2010024320101

Hearing Officer – LOM

**ORDER TO PROVIDE VERIFICATION  
IN SUPPORT OF REQUEST FOR CONTINUANCE OF HEARING**

The Hearing in this disciplinary hearing is scheduled to be held on October 23, 2012, at FINRA's offices in Chicago, Illinois. The Hearing was originally set to be held on August 23, 2012, but was continued at Enforcement's request. The Complaint was filed on November 30, 2011.

On October 16, 2012, the Office of Hearing Officers received e-mail correspondence between Enforcement and Respondent indicating that Respondent would like a continuance of the Hearing, which Enforcement opposes. Respondent states that his sister is involved in litigation in which he is scheduled to be a witness and that he must be available on October 23, 2012, to testify in that other litigation.

The Hearing Officer is not ruling on the request for a continuance at this time, but rather requires that Respondent provide further information and verification of the need for a continuance. The Hearing Officer hereby **ORDERS** that Respondent shall provide to the Office of Hearing Officers as soon as possible (and in any event no later than 5 p.m., eastern time, on Thursday, October 18, 2012) a letter signed by the attorney for Respondent's sister in the

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litigation to which Respondent's request for a continuance refers. The letter shall include the following information regarding the sister's litigation: (i) the court in which the litigation is occurring, along with the name of the presiding officer, the caption and the docket number of the matter; (ii) a brief description of the nature of the litigation; (iii) a statement by the attorney regarding the length, subject matter, and importance of any testimony to be provided by Respondent in that litigation; (iv) any scheduling order that shows the length and dates of the proceeding; and (v) a statement by the attorney whether Respondent could testify on some other day so as not to conflict with the hearing in this FINRA disciplinary proceeding, and, if not, an explanation why the conflict cannot be resolved in a way that would make Respondent available for the hearing already scheduled in this disciplinary proceeding.

Respondent is reminded that a continuance of a Hearing under FINRA's Rules is granted only upon good cause shown. The Hearing Officer will take further action, as appropriate, after reviewing any letter submitted pursuant to this Order.

**SO ORDERED.**

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Lucinda O. McConathy  
Hearing Officer

Dated: October 17, 2012