

**Disciplinary Panel  
American Stock Exchange LLC**

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IN THE MATTER  
OF  
JAS SECURITIES, L.L.C.

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: Case No. 03-78  
: Hearing Officer – JN  
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: **DISCIPLINARY PANEL DECISION**  
: September 22, 2004  
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*Digest*

**In accordance with a Stipulation of Facts and Consent to Penalty, the Disciplinary Panel determined that Respondent violated Exchange Rule 31, as stipulated, and as a penalty, imposed a censure and a \$3,500 fine.**

**DECISION**

**I. Introduction**

The American Stock Exchange, LLC (the “Exchange”) instituted a formal disciplinary proceeding against JAS Securities, L.L.C. (“JAS”), a Regular Member organization of the Exchange. A Disciplinary Panel held a hearing on August 17, 2004, pursuant to Exchange Rule 345(k), to review a Stipulation of Facts and Consent to Penalty (“Stipulation”) (attached as Exhibit A). The Exchange and JAS entered into that Stipulation for the purposes of settling this proceeding and concluding all disciplinary actions by the Exchange against JAS based upon or arising out of the facts set forth in the Stipulation.

**II. Facts**

JAS, without admitting or denying liability, stipulated to the facts set forth in the attached Stipulation. The Disciplinary Panel has determined to accept those facts for purposes of this Decision, and they are incorporated herein.

**III. Violation**

Based upon the stipulated facts, the Disciplinary Panel concludes that:

- 1.) JAS violated Exchange Rule 31 in that it delayed and impeded an Exchange investigation by not providing the Firm's anti-money laundering procedures to the Exchange in a timely manner, as set forth in paragraphs 2.0 through 3.3 of the Stipulation.

#### **IV. Penalties and Publicity**

The Stipulation proposes that the Disciplinary Panel impose upon JAS a censure and a \$3,500 fine. At the hearing, the Parties urged the Disciplinary Panel to accept the proposed penalty as being appropriate to the facts and circumstances of this case. After consideration of the Stipulation and the agreed-upon penalty, the Disciplinary Panel finds the proposed penalty is at the appropriate level to be imposed in this proceeding and therefore accepts the penalty proposed in the Stipulation.<sup>1</sup>

The Disciplinary Panel further finds that the results of this disciplinary proceeding should be publicly disclosed, as provided in Rule 12 of the Exchange Rules on Disciplinary Proceedings.<sup>2</sup>

#### **V. Conclusion**

Based on the foregoing, the Disciplinary Panel, by unanimous vote, accepts the Stipulation of Facts and Consent to Penalty and hereby imposes upon JAS a censure and a \$3,500 fine.

**FOR THE DISCIPLINARY PANEL**

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Jerome Nelson, Chair

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<sup>1</sup> Because there were aggravating circumstances in the present violations (Hearing Transcript, p. 7), the \$3,500 fine in the instant case is higher than the \$2,500 fines imposed in other cases involving similar misconduct. The Panel expects that any future failures by the firm to respond timely to staff requests under Rule 31 will incur more severe sanctions.

<sup>2</sup> Rule 12 exempts from publicity those cases where the Panel finds that the offense "related solely to minor administrative requirements of the Exchange and does not materially affect the public interest or the interest of investors." Those exemptions do not apply to the facts of this case.

Copies to: Allan S. Sexter, Esq. (*via facsimile and first class mail*)  
Alison H. Mijares, Esq. (*via electronic and first class mail*)  
Arlene Collins-Day (*via first class mail*)

Disciplinary Panel  
American Stock Exchange LLC

.....	X	
	X	STIPULATION OF FACTS
IN THE MATTER	X	AND
OF	X	CONSENT TO PENALTY
JAS SECURITIES, L.L.C.	X	Case No. 03-78
.....	X	

This proceeding was instituted by the American Stock Exchange LLC (“AMEX” or the “Exchange”), against JAS SECURITIES, L.L.C. (“JAS” or the “Firm”) (CRD# 41804), a Regular Member organization of the Exchange. This Stipulation of Facts and Consent to Penalty (“Stipulation”) is entered into with JAS pursuant to Article V, Section 2 of the Exchange Constitution in order to settle and conclude all disciplinary actions by the Exchange against JAS based upon or arising out of the facts hereinafter stipulated. JAS, without admitting or denying the facts, allegations and conclusions contained in this Stipulation, hereby consents to the findings of a violation of Exchange Rules and to the imposition of the penalties hereinafter provided. JAS understands that this Stipulation is subject to approval by an Exchange Disciplinary Panel and by the AMEX Adjudicatory Council and that, if so approved, shall constitute a final decision that may not be appealed by the parties. JAS understands and acknowledges that the Disciplinary Panel’s decision in this matter will become part of its disciplinary record and may be considered in any future proceeding brought by the Exchange.

**STIPULATED FACTS:**

- 1.0 Since 1996, JAS has been a Regular Member organization of the Exchange.
- 1.1 During all relevant periods herein, Exchange Rule 31 provided that a member organization shall comply with any request by an authorized representative or committee of the Exchange to produce its books, papers or records, or to appear and testify as to any matter pertaining to its business, within the time specified by the representative or committee of the Exchange making the request.

**The Exchange's Requests for Information:**

- 2.0 On or about May 1, 2003, the Sales Practice Regulation Department ("SPR") of the Exchange initiated an examination program to ensure that all registered brokers and dealers, including all AMEX member organizations, members not associated with a member organization, and all AMEX Limited Trading Permits Holders had reasonably and sufficiently met requirements to develop and implement anti-money laundering programs as prescribed by federal law and Exchange Rules.
- 2.1 On May 7, 2003, SPR sent a letter via First Class U.S. Mail to JAS, indicating that an inquiry into its anti-money laundering procedures had commenced and requesting certain documents be provided to SPR no later than May 23, 2003.
- 2.2 No response, either verbal or written, was received from JAS regarding SPR's May 7, 2003 letter and the U.S. Post Office did not return SPR's letter to JAS.

- 2.3 On June 10, 2003, SPR sent a second letter via First Class U.S. Mail to JAS, indicating that an inquiry into its anti-money laundering procedures had commenced and requesting certain documents be provided to SPR no later than June 25, 2003.
- 2.4 No response, either verbal or written, was received from JAS regarding SPR's June 10, 2003 letter and the U.S. Post Office did not return SPR's letter to JAS.
- 2.5 On July 1, 2003, SPR sent a third letter via Certified Mail/Return Receipt Requested to JAS, indicating that an inquiry into the its anti-money laundering program had commenced and requesting certain documents be provided to SPR no later than July 17, 2003. SPR received the certified receipt to its July 1, 2003 letter, which receipt was signed on July 10, 2003.
- 2.6 No other response, either verbal or written, was received from JAS regarding SPR's July 1, 2003 letter.

**Enforcement's Investigation of JAS:**

- 3.0 On October 30, 2003, the Exchange's Enforcement Department ("Enforcement") sent a letter via First Class U.S. Mail and Certified Mail/Return Receipt Requested to JAS regarding its failure to comply with document requests made by SPR for documents pertaining to the Firm's development and implementation of an anti-money laundering program. The certified letter was sent to JAS's CRD-listed contact person, at the CRD-listed contact address. The certified mail return

- receipt was returned to Enforcement, indicating receipt by JAS on or about November 3, 2003.
- 3.1 On December 8, 2003, Enforcement then sent a letter via Hand Delivery to the Exchange Floor, First Class U.S. Mail, and Certified Mail/Return Receipt Requested to JAS requesting JAS produce documents pertaining to the Firm's development and implementation of an anti-money laundering program no later than December 22, 2003.
  - 3.2 No return receipt was received by Enforcement, nor did it receive a signed Acknowledgement of Receipt, which had been attached to the hand delivered copy.
  - 3.3 On December 23, 2003, Enforcement received a hand delivered package from counsel for JAS containing JAS's anti-money laundering program materials.

**CONCLUSION:**

By reason of the foregoing Stipulated Facts, a Disciplinary Panel may conclude that:

- 4.0 JAS violated Exchange Rule 31 in that it delayed and impeded an Exchange investigation by not providing the Firm's anti-money laundering procedures to the Exchange in a timely manner, as described in paragraphs 2.0 through 3.3.

**DISCIPLINARY ACTION:**

A Disciplinary Panel may impose the following penalty upon JAS:

(a) a censure; and

(b) a \$3,500 fine.

In entering into this Stipulation with JAS, the Exchange considered that JAS did not have a relevant prior disciplinary history.

AMERICAN STOCK EXCHANGE LLC

By: \_\_\_\_\_

David Rosenstein  
Vice President and Chief Counsel

Agreed to this \_\_\_\_\_ day of April 2004.

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on behalf of JAS Securities LLC