

NEW YORK STOCK EXCHANGE, INC.

EXCHANGE HEARING PANEL DECISION 05-33

April 4, 2005

CHRISTOPHER TRENT BROMLEY
FORMER NON-REGISTERED EMPLOYEE

* * *

Engaged in conduct inconsistent with just and equitable principles of trade in that he failed to disclose five prior criminal convictions on his employment application with a member organization, one of which made him subject to a statutory disqualification; violated Exchange Rule 477 by failing to appear and testify before the Exchange concerning matters that occurred prior to the termination of his employment as a non-registered employee of a member organization – Censure and a five-year bar from beyond the end of his statutory disqualification.

Appearances:

For the Division of Enforcement
Martin S. Mazur, Esq.
Daniel S. Eisenberg, Esq.

For the Respondent
No Appearance

* * *

An Exchange Hearing Panel conducted a hearing on a charge brought by the Division of Enforcement (“Enforcement”) of the New York Stock Exchange, Inc. (the “Exchange”) against Christopher Trent Bromley (“Respondent”), a former non-registered employee with Credit Suisse First Boston LLC (the “Firm”). Respondent was charged with having:

- A. Engaged in conduct inconsistent with just and equitable principles of trade by failing to disclose five prior criminal convictions on his employment application with a member organization, one of which made him subject to a statutory disqualification.
- B. Violated Exchange Rule 477 by failing to appear and testify before the Exchange concerning matters that occurred prior to the termination of his employment as a non-registered employee of a member organization.

Respondent did not submit an Answer to the Charge Memorandum. Neither he nor any person on his behalf appeared at the hearing in this matter.

At the hearing, Enforcement moved to amend the Charge Memorandum paragraph 5 to read “\$15,202.35” instead of “\$16,202.35”. That motion was granted. Enforcement presented evidence that a copy of the Charge Memorandum had been sent to Respondent’s last known address via certified mail, and that it was returned by the U.S. Postal Service as unclaimed after

three attempts at delivery. Enforcement also represented that a copy of the Charge Memorandum which was sent via first class mail to Respondent was not returned by the U.S. Postal Service. Pursuant to Exchange Rule 476, Enforcement then moved to have the facts alleged in the Charge Memorandum deemed admitted since Respondent had failed to file an Answer. The motion was granted, and the Hearing Panel found as follows:

Background and Jurisdiction

1. Respondent was born in June 1961. On November 5, 2002, the Firm hired him as a non-registered employee in its Information Technology Department. He is not currently employed in the securities industry.
2. On February 28, 2003, Enforcement received a Form RE-3 reporting that Respondent's employment had been terminated as a result of his having falsified his Employment Application (the "Application").
3. By letter dated March 28, 2003, which he received, the Exchange notified Respondent that it was conducting an inquiry into the matter set forth in the Form RE-3 and requested him to provide a written detailed explanation in response to the above-mentioned allegation, and all court, arrest and disposition documentation. Respondent's attorney responded to that letter on his behalf.

Failure to Disclose Prior Criminal Convictions

4. A Department of Justice Fingerprint Report reflects that Respondent was convicted in 1983 of possession of Marijuana, in 1980 of Larceny, in 1989 of Obstruction of Justice, and in 1989 of Cocaine [sic].
5. In addition, the Superior Court of Essex County, New Jersey convicted Respondent of one count of theft by deception in the 3rd degree in violation of N.J.S.A. 2c:20-4, a felony. Respondent's conviction became final on February 2, 1998, when he was sentenced to three years probation and ordered to pay restitution of \$15,202.35 plus interest.
6. Under Sections 3(a)(39)(F) and 15(b)(4)(B) of the Securities Exchange Act of 1934, an individual is subject to a statutory disqualification for a period of 10 years upon, *inter alia*, conviction of any felony.
7. Respondent became subject to a statutory disqualification as a result of the above conviction and will remain subject to such statutory disqualification until February 2008.
8. Respondent submitted the Application to the Firm on November 4, 2002. By completing and signing the Application, Respondent acknowledged, "All the foregoing statements are true and complete. I understand that any omissions or misrepresentations of any information may result in separation from employment."

9. Among other things, the Application included the following question: "Have you ever been convicted or pleaded guilty to a criminal charge?" Respondent checked the box marked "No" to this question. In view of his record of criminal convictions, Respondent's response was false.

Failure to Cooperate

10. By letter dated June 14, 2004, Enforcement requested that Respondent's attorney call to arrange a time for the taking of Respondent's on-the-record ("OTR") testimony. Not having received a response, Enforcement, by letter dated June 25, 2004 to Respondent's attorney with a copy sent by certified mail to Respondent, which he received, scheduled the OTR for July 20, 2004 at 9:30 am.
11. That letter stated that Respondent's failure to appear and testify at the above scheduled time may result in the institution of formal disciplinary proceedings against him pursuant to Exchange Rule 476(a)11 based upon such failure.
12. Subsequently, the OTR was adjourned and rescheduled to August 26, 2004 at Respondent's attorney's request.
13. When Respondent failed to appear on that date, Enforcement, by letter dated September 10, 2004 to Respondent's attorney, with copies sent by both first class and certified mail to Respondent, re-scheduled the OTR for September 29, 2004 at 11:00 am.
14. That letter stated that Respondent's failure to appear and testify at the above scheduled time may result in the institution of formal disciplinary proceedings against him pursuant to Exchange Rule 476(a)11.
15. The copy sent to Respondent by first-class mail has not been returned to the Exchange and the copy sent by certified mail was returned marked "unclaimed".
16. On September 28, 2004, Enforcement received a telephone call from a second attorney who stated that he was considering representing Respondent in the Exchange's investigation.
17. Enforcement adjourned the OTR at his request.
18. On October 8, 2004, the second attorney advised that he would not represent Respondent. As a consequence of the above, Enforcement, by letter dated October 8, 2004 to the original attorney, with copies sent by both first class and certified mail to Respondent, re-scheduled the OTR for October 27, 2004 at 10:00 am. That letter included the warning contained in the previous letters. The copy sent to Respondent by first-class mail has not been returned to the Exchange and the copy sent by

certified mail was returned marked "unclaimed". Neither Respondent nor anyone representing him appeared at any time on that day.

19. To date, Respondent has failed to comply with the Exchange's requests to appear and testify.

DECISION

The Hearing Panel, by unanimous vote, found Respondent guilty as charged.

PENALTY

In view of the above findings, the Hearing Panel, by unanimous vote, determined that Respondent be censured and barred from membership, allied membership, approved person status, and from employment or association in any capacity with any member or member organization for a period of five years following the period of statutory disqualification.

For the Hearing Panel

Peggy Kuo – Chief Hearing Officer
Panelists:
Sarah Gill
Robert F. Schnell