

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

TAREK MOHSEN MOHAMED
(CRD No. 6717691),

Respondent.

Disciplinary Proceeding
No. 2020067814802

Hearing Officer—RES

**ORDER DIRECTING RESPONDENT TO FILE
ANSWER COMPLIANT WITH FINRA RULE 9215**

On December 29, 2021, the Department of Enforcement initiated this disciplinary proceeding by filing and serving a Complaint against Respondent Tarek Mohamed. The Complaint charges Respondent with failure to provide a complete response to Enforcement's January and February 2021 requests for documents and information made under FINRA Rule 8210. Enforcement issued its FINRA Rule 8210 requests in connection with its investigation of allegations that Respondent "took" \$46,000 from an elderly customer. The Notice of Complaint informed Respondent of his obligation to file an answer ("Answer") to the Complaint in "the manner and form described by FINRA Rule 9215." The Notice of Complaint explained that under the applicable rules for the conduct of disciplinary proceedings, an Answer is due on January 26, 2022.

On January 6, 2022, Respondent sent a reply email to the Office of Hearing Officers ("OHO").¹ This email consisted of a narrative apparently in response to the allegations of the Complaint. The email does not meet the requirements for filing an Answer in a FINRA disciplinary proceeding.

On January 19, 2022, Enforcement filed a motion ("Motion") for an order directing Respondent to file a Rule-compliant Answer. For the reasons stated below, the Motion is **GRANTED**.

FINRA Rule 9215 sets forth the requirements for an answer to a complaint. According to FINRA Rule 9215, "[u]nless otherwise ordered by the Hearing Officer, an answer shall

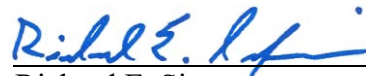
¹ The email was in reply to an email from OHO attaching a Notice of Assignment of Hearing Officer and a Code and Guide Letter.

specifically admit, deny, or state that the Respondent does not have and is unable to obtain sufficient information to admit or deny, each allegation in the complaint.”² Continuing, the Rule states that “[a]ny allegation not denied in whole or in part shall be deemed admitted. Any affirmative defense shall be asserted in the answer.”³ Respondent’s email does not comply with FINRA Rule 9215 because it fails to address specifically any of the allegations in the numbered paragraphs of the Complaint. By omitting specific admissions or denials, Respondent’s email prevents Enforcement, the Hearing Officer, and the Hearing Panel from effectively identifying which issues are in dispute.

It is hereby **ORDERED** that Respondent shall file an Answer that conforms to FINRA Rule 9215(b) on or before **February 2, 2022**. Specifically, the Answer shall contain numbered paragraphs corresponding to the numbered paragraphs of the Complaint. Each numbered paragraph in the Answer shall specifically admit or deny each paragraph in the Complaint unless Respondent lacks sufficient information to do so and is unable to obtain the needed information (in which case the paragraph shall assert lack of sufficient information in response to each applicable paragraph in the Complaint). If any paragraph of the Answer fails to deny or state insufficient knowledge with regard to any specific paragraph of the Complaint, I will deem such paragraph(s) to be admitted.

Enforcement’s discovery obligations under FINRA Rule 9251 are stayed until 21 days after the filing of a Rule-compliant Answer.

SO ORDERED.



Richard E. Simpson
Hearing Officer

Dated: January 21, 2022

Copies to:

Tarek Mohamed (via email)
Yael Epstein, Esq. (via email)
Lloyd Gattis, Esq. (via email)
Jennifer L. Crawford, Esq. (via email)

² FINRA Rule 9215(b); *accord* OHO Order 20-13 (2016049414401) (Aug. 25, 2020), at 1, https://www.finra.org/sites/default/files/2020-10/OHO_Order_20-13_2016049414401.pdf (FINRA Rule 9215(b) requires that an answer admit or deny each allegation of a complaint, or state in the alternative that the respondent does not have and is unable to obtain sufficient information to admit or deny the allegation).

³ FINRA Rule 9215(b).