

This Order has been published by FINRA's Office of Hearing Officers and should be cited as OHO Order 16-33 (2015044823501).

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

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DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

CRAIG SCOTT CAPITAL, LLC  
(CRD No. 155924),

CRAIG SCOTT TADDONIO  
(CRD No. 4773787),

and

BRENT MORGAN PORGES  
(CRD No. 4002626),

Respondents.

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Disciplinary Proceeding  
No. 2015044823501

Hearing Officer—LOM

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DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

EDWARD BEYN  
(CRD No. 5406273),

Respondent.

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Disciplinary Proceeding  
No. 2015044823502

Hearing Officer—LOM

**ORDER DENYING RESPONDENT BEYN'S  
MOTION FOR ADDITIONAL DISCOVERY**

The hearing in this matter is set to begin on January 24, 2017. On December 5, 2016, Respondent Edward Beyn filed a motion seeking additional discovery from the Department of Enforcement. On December 14, 2016, Enforcement filed its opposition.

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Beyn's discovery request contains 102 items. It seeks an extraordinarily broad range of documents and information, much of which is irrelevant and immaterial to this proceeding. Furthermore, many of the documents sought are personal records of individuals who are not in the securities industry, and Enforcement has no power to provide the documents. For example, Beyn seeks end-of-year credit card statements for 2010 through 2016 for every credit card held in the name of nine identified customers. Beyn also seeks all of the customers' property rental documents.

Beyn argues that he would be entitled to the discovery in a FINRA arbitration proceeding and therefore he should be entitled to it in this proceeding. It is doubtful that he would be entitled to all the information he seeks if he were in an arbitration proceeding. The rules regarding discovery in arbitration include consideration of the cost or burden of production weighed against need for the discovery. In any event, this proceeding is not an arbitration proceeding; it is a disciplinary proceeding that is governed by its own rules.

Enforcement has complied with its discovery obligations under the applicable rule for disciplinary proceedings, Rule 9251. On June 1, 2016, Enforcement provided Beyn's then-counsel with an electronic copy of its file in this matter. That production contained over five million pages of discovery. Beyn's counsel did not object to the discovery and did not move for Enforcement to invoke Rule 8210 to obtain additional discovery by the applicable deadlines set in the Scheduling Order.

After Beyn's counsel withdrew from the representation, Beyn requested a copy of the discovery previously provided to his counsel. On December 9, 2016, Enforcement sent Beyn another copy.

Beyn argues that he cannot defend himself without the additional discovery. That is patently untrue. He and his previous counsel have had the discovery that is relevant to the case for nearly six months. In fact, some of the items in Beyn's discovery request have already been produced by Enforcement, and other items are public information. The items that are irrelevant and immaterial are not necessary to his defense.

Respondent Beyn's motion for additional discovery is **DENIED**.<sup>1</sup>

**SO ORDERED.**

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Lucinda O. McConathy  
Hearing Officer

Dated: December 14, 2016

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<sup>1</sup> After receiving Enforcement's opposition to his motion, Beyn moved for permission to file a reply. His motion to file a reply is **DENIED** as moot.