

Stipulation and Consent). Accordingly, the Court should reject Feldman's motion to strike these allegations from the OIP.

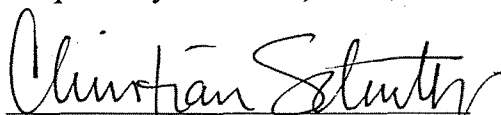
The Court need not resolve Feldman's premature argument against the admissibility of any evidence relating to the OTS's allegations and Feldman's settlement of those claims because the Division has made no decision (much less any effort) to present evidence on that issue. It should be noted, however, that the information is not *per se* irrelevant and could be used for impeachment and rebuttal purposes, should Feldman try to, for example, introduce evidence of his character for honesty and truthfulness in an attempt to establish that he did not engage in the OIP's alleged fraudulent conduct. Likewise, such material could be relevant in assessing any assurances Feldman might make against further anti-fraud violations, *see Steadman v. SEC*, 603 F.2d 1126, 1140 (5th Cir. 1979), *aff'd on other grounds*, 450 U.S. 91 (1981); *S.E.C. v. Manor Nursing Centers, Inc.*, 458 F.2d 1082, 1101 (2d Cir. 1972), as well as for the Court to consider when determining remedies in this matter. *See, e.g., In the Matter of Philip A. Lehman*, File No. 3-11972, 2006 WL 3054584, at *9, n.4 (Oct. 27, 2006) (considering a respondent a recidivist even though the prior action against him was settled on a neither admit nor deny basis); *see also, In the Matter of Gary M. Kornman*, File No. 3-12717, 2009 WL 367653, at *7 (Feb. 13, 2009) (permitting consideration of prior charges); *In the Matter of Benjamin Levy Sec., Inc.*, 46 S.E.C. 1145, 1146-47 (1978) (administratively barring associated person based on conviction for making false statements in a loan application); *In the Matter of Ahmed Mohamed Soliman*, 52 S.E.C. 227, 230-31 (1995) (administratively revoking registration and imposing associational bars for submitting false documents to IRS).

V. CONCLUSION

For the foregoing reasons, Feldman's motion should be denied in its entirety.

Dated: June 18, 2012

Respectfully submitted,



Frederick L. Block (202) 551-4919

Christian Schultz (202) 551-4740

Jill S. Henderson (202) 551-4812

Paul E. Kim (202) 551-4504

Securities and Exchange Commission

100 F Street, N.E.

Washington, D.C. 20549

COUNSEL FOR
DIVISION OF ENFORCEMENT

EXHIBIT 1

Contact Us

- Investor Services
1-888-678-4667
investorservices@theocc.com

Equity Options Product Specifications

Unit of Trade

100 shares per option contract.

Premium Quotations

Stated in points and fractions. One point equals \$100. Minimum tick for series trading below 3 is .05 (\$5.00) and for all other series .10 (\$10.00).

Strike Price Intervals

2-1/2 points for stocks trading below \$25, 5 points for those trading from \$25 to \$200, and 10 points for those trading above \$200.

Exercise Style

American. Option may be exercised on any business day prior to the expiration date.

Expiration Months

Two near-term months plus two additional months in the January, February or March quarterly cycle.

Expiration Dates

The Saturday immediately following the third Friday of the expiration month.

Position Limits

Limits vary according to the number of outstanding shares and trading volume. The largest, most frequently traded stocks have an option position limit of 75,000 contracts; smaller capitalization stocks may offer position limits of 60,000, 31,500, 22,500 or 13,500 contracts. Customer hedge exemptions are available.

Minimum Customer Margin for Uncovered Writers

The dollar amount of the premium plus 20% of the underlying security value minus the amount by which the option is out of the money (if any) with a minimum of the premium plus 10% of the underlying security value.

Trading Hours

9:30 a.m. to 4:00 p.m. (Eastern Time).

Exercise Settlement Price

Strike price times \$100.

Exercise Settlement Time

Exercise notices tendered on any business day will result in delivery of the underlying stock on the third (T+3) business day following exercise.

This web site discusses exchange-traded options issued by The Options Clearing Corporation. No statement in this web site is to be construed as a recommendation to purchase or sell a security, or to provide investment advice. Options involve risk and are not suitable for all investors. Prior to buying or selling an option, a person must receive a copy of Characteristics and Risks of Standardized Options (</about/publications/character-risks.jsp>). Copies of this document may be obtained from your broker, from any exchange on which options are traded or by contacting The Options Clearing Corporation, One North Wacker Dr., Suite 500, Chicago, IL 60606 (1-888-678-4667).

© 2012 The Options Clearing Corporation. All rights reserved.

service of this Notice of Charges, in accordance with 12 C.F.R. § 519.19. Respondent is encouraged to file any answer electronically with the Office of Financial Institution Adjudication at ofia@fdic.gov. Failure to answer within this time period shall constitute a waiver of the right to appear and contest the allegations contained in this Notice and shall, upon the OTS's motion, cause the ALJ or the OTS to find the facts in this Notice to be as alleged and to issue an appropriate order.

45. Section 509.10 of the OTS rules, 12 C.F.R. § 509.10, governs the filing of papers in this proceeding. Except as otherwise provided by that rule, any papers required to be filed shall be filed with the Office of Financial Institution Adjudication, 3501 N. Fairfax Drive, Suite VS-D8 113, Arlington, VA 22226-3500.

46. Respondent also shall serve a copy of each and every of filing on: OTS, c/o Sandra Evans, Secretary for Adjudicatory Proceedings, (sandra.evans@ots.treas.gov), 1700 G St., N.W., Washington, D.C. 20552; Susan L. Chomicz, Deputy Chief Counsel – Enforcement, (susan.chomicz@ots.treas.gov), Office of Thrift Supervision, 1700 G. Street, N.W. Washington, D.C. 20552; Alan H. Faircloth, Regional Enforcement Counsel, (alan.faircloth@ots.treas.gov), Office of Thrift Supervision, 1475 Peachtree St., NE, Atlanta, Georgia 30309; and V. Scott Bailey, Senior Attorney, Office of Thrift Supervision, 1700 G Street, N.W., Washington, DC 20552 (vernon.bailey@ots.treas.gov).

47. Within twenty (20) days after service of this Notice, Respondent may file a written request for a private hearing. Section 509.23 of the OTS rules, 12 C.F.R. § 509.33, sets out the requirements for any such request and any replies thereto. The evidentiary hearing of this matter before the presiding ALJ will be open to the public, unless the Director of the OTS, in his sole discretion, determines that an open hearing will be contrary to the public interest. *See* 12 U.S.C. § 1818(u)(2). The Director (or a duly authorized representative) will rule on any request filed under

