



Notice, Pursuant to Exchange By-law 18-2, of Disciplinary Action Against DSX, Inc., Former Member Organization

To: Members, Member Organizations, Participants and Participant Organizations
From: Mark Schepps, Chief Enforcement Counsel, NASDAQ OMX PHLXSM
DATE: March 16, 2009

NASDAQ OMX PHLX No. 09-02 Enforcement No. 2009-03

On March 12, 2009, the Business Conduct Committee (the "Committee") issued a disciplinary decision against DSX, Inc. ("DSX"), a former member organization of the Exchange. In response to a Statement of Charges issued in this action, DSX submitted an Offer of Settlement, Stipulation of Facts and Consent to Sanctions ("Offer"). Solely to settle this proceeding, and without either admitting or denying the charges, DSX consented to findings that it violated Exchange Rules 119, 120, 707, 1014 and 1067 by failing to allocate trades to parties with established price and/or time priority on fourteen occasions. DSX's Offer was accepted by the Committee and was the basis of its Decision.

The Committee found that DSX violated Exchange Rules 119, 120, 707, 1014 and 1067, concurred in the sanctions consented to by it, and ordered the imposition of the following sanctions: (i) a censure and (ii) a fine of \$5,000.

For more information, contact:

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