

ORIGINAL

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 20060063174**

TO: Department of Enforcement
Financial Industry Regulatory Authority ("FINRA")

RE: *Robert Simenz*
Robert Simenz
Limited Registered Representative
CRD No. 1394397

Pursuant to NASD Rule 9216 of FINRA's Code of Procedure, I submit this Letter of Acceptance, Waiver and Consent ("AWC") for the purpose of proposing a settlement of the alleged rule violations described below. This AWC is submitted on the condition that, if accepted, FINRA will not bring any future actions against me alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. I hereby accept and consent, without admitting or denying the findings, and solely for the purposes of this proceeding and any other proceeding brought by or on behalf of FINRA, or to which FINRA is a party, prior to a hearing and without an adjudication of any issue of law or fact, to the entry of the following findings by FINRA:

BACKGROUND

Between March 2001 and August 31, 2006, Robert Simenz was registered as an Investment Company and Variable Contracts Products Representative with American Family Securities, LLC. Simenz is not currently registered with any other FINRA member. He has no relevant prior disciplinary history.

OVERVIEW

Simenz failed to respond to two requests sent by FINRA staff in violation of NASD Procedural Rule 8210 and NASD Conduct Rule 2110.

FACTS AND VIOLATIVE CONDUCT

- A.
1. American Family terminated Simenz's employment on August 31, 2006 after its insurance affiliate terminated him for failing to follow a directive given in February 2006 not to accept cash payments from any of his insurance customers.
 2. American Family's insurance affiliate subsequently discovered that Simenz had accepted approximately \$17,000 in cash payments from certain insurance customers and that the money had never been paid to the insurance affiliate with regard to the purchase of non-securities related products.
 3. On March 10, 2008, FINRA staff sent a letter to Simenz at his CRD address and a second address in Delaware, Ohio which the staff reasonably believed was his actual address (Delaware address), via first class mail and by certified mail, return receipt requested. In this letter, FINRA staff requested, pursuant to Rule 8210, information and documents relating to Simenz's potential misconduct involving his acceptance of \$17,000 in cash payments from certain insurance customers.
 4. Simenz has not responded to the information request dated March 10, 2008.
 5. On April 7, 2008, FINRA staff sent a second letter to Simenz at his CRD address and his Delaware address, via first class mail and by certified mail, return receipt requested. In this letter, FINRA staff requested, pursuant to Rule 8210, information and documents relating to Simenz's potential misconduct involving his acceptance of \$17,000 in cash payments from certain insurance customers.
 6. Simenz has not responded to the information request dated April 7, 2008.
 7. By failing to respond to FINRA information requests, Simenz has violated NASD Procedural Rule 8210 and NASD Conduct Rule 2110.
- B. I also consent to the imposition of the following sanctions:
- A bar from associating with any FINRA member in any capacity.
- The sanctions imposed herein shall be effective on a date set by FINRA staff. Pursuant to NASD IM-8310-3(e), a bar or expulsion shall become effective upon approval or acceptance of this AWC.

II.**WAIVER OF PROCEDURAL RIGHTS**

I specifically and voluntarily waive the following rights granted under FINRA's Code of Procedure:

- A. To have a Formal Complaint issued specifying the allegations against me;
- B. To be notified of the Formal Complaint and have the opportunity to answer the allegations in writing;
- C. To defend against the allegations in a disciplinary hearing before a hearing panel, to have a written record of the hearing made and to have a written decision issued; and
- D. To appeal any such decision to the National Adjudicatory Council ("NAC") and then to the U.S. Securities and Exchange Commission and a U.S. Court of Appeals.

Further, I specifically and voluntarily waive any right to claim bias or prejudgment of the General Counsel, the NAC, or any member of the NAC, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including acceptance or rejection of this AWC.

I further specifically and voluntarily waive any right to claim that a person violated the ex parte prohibitions of NASD Rule 9143 or the separation of functions prohibitions of NASD Rule 9144, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including its acceptance or rejection.

III.**OTHER MATTERS**

I understand that:

- A. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by the NAC, a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs ("ODA"), pursuant to NASD Rule 9216;
- B. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against me; and

C. If accepted:

1. this AWC will become part of my permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against me;
2. this AWC will be made available through FINRA's public disclosure program in response to public inquiries about my disciplinary record;
3. FINRA may make a public announcement concerning this agreement and the subject matter thereof in accordance with NASD Rule 8310 and IM-8310-3; and
4. I may not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any finding in this AWC or create the impression that the AWC is without factual basis. I may not take any position in any proceeding brought by or on behalf of FINRA, or to which FINRA is a party, that is inconsistent with any part of this AWC. Nothing in this provision affects my right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.

- D. I understand that if I am barred or suspended from associating with any FINRA member, I become subject to a statutory disqualification as that term is defined in Section 3(a)(39) of the Securities Exchange Act of 1934, as amended. Accordingly, I may not be associated with any FINRA member in any capacity, including clerical or ministerial functions, during the period of the bar or suspension. (See NASD Rule 8310 and IM-8310-1.)

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I certify that I have read and understand all of the provisions of this AWC and have been given a full opportunity to ask questions about it; that I have agreed to its provisions voluntarily; and that no offer, threat, inducement, or promise of any kind, other than the terms set forth herein and the prospect of avoiding the issuance of a Complaint, has been made to induce me to submit it.

8/19/2008
Date

Robert Simenz
Robert Simenz

Reviewed by:

Date

Accepted by FINRA:

8/22/08
Date

Signed on behalf of the Director of ODA,
by delegated authority

Richard A. March
Richard A. March
Senior Regional Counsel
FINRA Department of Enforcement
55 West Monroe Street, Suite 2700
Chicago, IL 60603
(312)899-4351