

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2008013307301**

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

RE: Thomas Earl Brand, Respondent
CRD No. 1924829

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Thomas Earl Brand ("Brand" or "Respondent") 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

On July 29, 1993, Brand became registered as an Investment Company Product/Variable Contracts Representative of a FINRA member. Between the dates of April 25, 2006 and April 18, 2008, Brand was registered in this capacity with Allstate Financial Services, LLC. Brand is not currently registered with any FINRA members. Pursuant to Article V, Section 4 of FINRA's By-Laws, FINRA retains jurisdiction over Brand until April 18, 2010.

OVERVIEW

Brand engaged in an outside business activity without providing prompt written notice to his employing member firm by selling an equity indexed annuity to a customer of his firm. Brand refused to cooperate with a subsequent FINRA investigation

FACTS AND VIOLATIVE CONDUCT

Outside Business Activity

In April 2006, Brand joined Allstate Financial Services, LLC ("Allstate") as a registered representative. On May 9, 2006, Brand signed an employment agreement and agreed to abide by the firm's rules and procedures. Brand specifically agreed that he would not prospect or sell any products except those offered by Allstate. Brand was entitled, however, to continue to receive renewal commissions for insurance products he sold prior to employment with Allstate. At the time of his hire, Brand also completed an outside business activity form, stating that he had no outside businesses to report.

On July 18, 2007, Brand solicited an Allstate customer, PG, to purchase an equity indexed annuity ("EIA") from an insurance company unaffiliated with Allstate. PG agreed and signed an application and funded the EIA with a \$155,000 check. Brand was identified on the application as the financial representative. Brand received \$13,950 in commission from this insurance company for this EIA sale.

These acts described above constitute separate and distinct violations of NASD Rules 3030 and 2110.

Failure to Respond to Requests for Information

On July 18, 2008, FINRA staff sent Brand a request for information pursuant to NASD Procedural Rule 8210. Among other things, this request instructed Brand to provide W-2s, 1099s and tax return filings for 2006 and 2007.

On July 25, 2008, Brand partially responded to a FINRA request for information and provided some W-2 forms for 2006 and 2007.

FINRA staff sent an additional request for information pursuant to Rule 8210 on December 1, 2008. In this request, staff again asked Brand to provide full tax filings for 2006 and 2007. Brand did not respond to this request in any way.

On March 10, 2009, FINRA staff instructed Brand to appear at FINRA's Chicago office to give an on-the-record interview pursuant to FINRA Procedural Rule 8210. Brand did not appear. On March 24, 2009, Brand telephoned FINRA staff and acknowledged receipt of the letters informing him to appear to give testimony, but declined to appear.

These acts described above constitute a violation of NASD Rule 2110 and NASD Procedural Rule 8210 and FINRA Rule 2010 and FINRA Procedural Rule 8210.

B. I also consent to the imposition of the following sanctions:

A bar from association with any member of FINRA in any capacity.

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 FINRA Rules 8310 and 8311).

The sanctions imposed herein shall be effective on a date set by FINRA staff. Pursuant to FINRA Rule 8313(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 Complaint issued specifying the allegations against me;
- B. To be notified of the 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 FINRA Rule 9143 or the separation of functions prohibitions of FINRA 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.

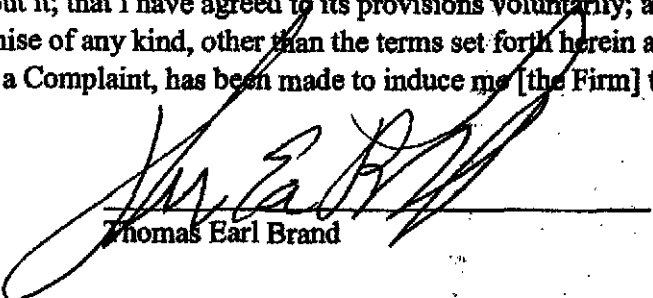
OTHER MATTERS

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 FINRA 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 FINRA Rule 8313; 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.**

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 [the Firm] to submit it.

9/28/09
Date


Thomas Earl Brand

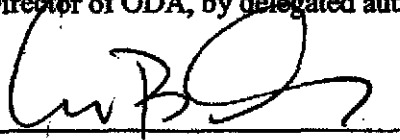
Reviewed by:

Attorney Name (if any)
Counsel for Respondent
Firm Name
Address
City/State/Zip
Phone Number

Accepted by FINRA:

10-19-09
Date

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


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