

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2011029060701**

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

RE: James Roberts, Respondent
CRD No. 2884110

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I [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

James Roberts ("Roberts") first became registered with FINRA when he obtained his Series 63 on June 13, 1997. He obtained his Series 7 on July 7, 1997. Roberts became registered with Ameritas Investment Corp. ("Ameritas") on January 28, 2000. Ameritas terminated Roberts' registration on August 24, 2011.

FINRA maintains jurisdiction over Roberts pursuant to Article V, Section 4(a) of the FINRA By-Laws because the conduct that serves as a basis for this action commenced prior to the termination of his registration from a FINRA member, an amendment to the notice of termination was filed on October 2, 2013 which was within two years after the effective date of his termination of registration, and this AWC has been filed within two years after the filed amendment.

FACTS AND VIOLATIVE CONDUCT

In March 2007, Roberts borrowed \$1,200 from an elderly customer. Ameritas' procedures did not allow its registered representatives to borrow money from customers and the firm did not pre-approve the customer's loan to Roberts. By

virtue of the above, Roberts' actions violated NASD Rules 2370 and 2110.

While registered with Ameritas, Roberts entered into two compromises with creditors. First, in October 2010, Roberts agreed to make three payments, totaling \$1,533.58, in October, November and December of 2010 to a creditor for the forgiveness of an outstanding debt. Second, Roberts paid \$7,280.09 to another creditor on or around November 16, 2010 for the forgiveness of another outstanding debt. Article V, Section 2(c) of the FINRA By-Laws requires that a registered representative update his Form U-4 within 30 days of the date in which a compromise is entered. Roberts failed to disclose the first compromise for eleven months after he entered into the compromise and failed to disclose the other compromise for over nine months after the disposition date of the compromise. By virtue of the above, Roberts violated FINRA Rules 1122 and 2010 by failing to timely update his Form U-4 to disclose the two creditor compromises.

During the course of FINRA's investigation, on April 22, 2013, Roberts was required to appear and provide sworn testimony pursuant to FINRA Rule 8210. During his on-the-record interview, Roberts provided inaccurate testimony regarding his receipt of payments from a third party. By virtue of the above, Roberts violated FINRA Rules 8210 and 2010.

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

1. A two year suspension from associating with any FINRA member in all capacities; and
2. A \$5,000 fine.

The sanctions imposed herein shall be effective on a date set by FINRA staff.

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 Article III, Section 4 of FINRA's By-Laws, incorporating Section 3(a)(39) of the Securities Exchange Act of 1934. 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).

I specifically and voluntarily waive any right to claim that I am unable to pay, now or at any time hereafter, the monetary sanction(s) imposed in this matter.

The fine shall be due and payable either immediately upon reassociation with a member firm following the two year suspension noted above, or prior to any application or request for relief from any statutory disqualification resulting from this or any other event or proceeding, whichever is earlier.

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

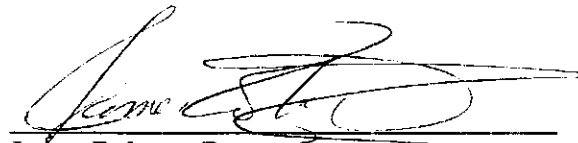
I understand that:

- 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: (i) testimonial obligations; or (ii) 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 to submit it.

10/10/2013
Date (mm/dd/yyyy)


James Roberts, Respondent

Accepted by FINRA:

11.19.2013
Date

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



Carolyn Craig
Director
FINRA Department of Enforcement
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Rockville, MD 20850-3241