

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2012035043101**

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

RE: David A. Wisely, Respondent
CRD No. 1661628

Pursuant to FINRA 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

David Wisely ("Wisely") first became registered as an Investment Company Products/Variable Contracts Representative in May 1987 with FINRA registered firm Pruco Securities, LLC ("Pruco"). Thereafter, Wisely obtained his Series 63 license in June 1991. Wisely was employed in this capacity with Pruco until November 2012. Wisely is not currently registered in any capacity with a FINRA registered firm.

RELEVANT DISCIPLINARY HISTORY

Wisely has no disciplinary history.

OVERVIEW

Wisely violated NASD Conduct Rule 2110 and FINRA Rule 2010 by accepting false signatures, creating false signatures, and initiating an insurance policy loan without customer authorization.

FACTS AND VIOLATIVE CONDUCT

1. Customer KG was the owner of a life insurance policy, purchased for her by her parents who were the insured parties. Her parents made some subsequent payments on the policy as well. Wisely serviced the policy while working at Pruco.
2. On or about March 31, 2008, Wisely knowingly accepted a signature from the mother of customer KG, purporting to be the signature of KG herself, on a request to use the dividends from the insurance policy to pay the premium that was currently due. KG was aware her mother had signed KG's name to this request, and consented to her doing so in the future, as KG lived out of state.
3. On or about January 16, 2009, Wisely once again knowingly accepted a false signature from KG's mother for the purpose of paying the annual policy premium through the available dividends.
4. On or about March 22, 2011, through the use of photocopies, Wisely created a false signature purporting to be the signature of KG, for the purpose of paying the policy premium through available dividends. KG was not aware of Wisely's actions.
5. The following year, the premiums for KG's policy increased dramatically. On or about March 31, 2012, Wisely again created a false signature for the purpose of paying the policy premium through available dividends, but also initiated and falsely signed a request for a policy loan in the amount of \$13,653, which would cover the remaining premium balance. The policy loan request was processed by the insurance company. KG did not authorize the loan request, and was unaware the loan had been taken out against her policy.

Based on the foregoing facts, Wisely violated NASD Conduct Rule 2110 for conduct occurring prior to December 15, 2008, and FINRA Rule 2010 for conduct occurring on December 15, 2008 and after.

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

- A suspension of five months from association with any FINRA registered broker-dealer in any capacity; and,
- A fine in the amount of \$5,000.

The fine shall be due and payable either immediately upon reassociation with a member firm following the five-month 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.

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.

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).

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

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.
- D. I may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. I understand that I may not deny the charges or make any statement that is inconsistent with the AWC in this Statement. This Statement does not constitute factual or legal findings by FINRA, nor does it reflect the views of FINRA or its staff.

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.

04/03/2014
Date (mm/dd/yyyy)

David A. Wisely
David A. Wisely

Accepted by FINRA:

4/29/14
Date

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

Heather L. Freiburger
Heather L. Freiburger
Regional Counsel
FINRA Department of Enforcement
55 W. Monroe St., Suite 2700
Chicago, IL 60603
Phone: (312) 899-4334; Fax: (312) 899-4600
Heather.Freiburger@finra.org