

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2013036068201**

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

RE: Richard Eugene Whitley, Respondent
General Securities Representative
CRD No. 1029728

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Richard Eugene Whitley ("Whitley") submits 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

Whitley entered the securities industry in August 1988 with a FINRA-regulated entity and was approved as a General Securities Representative ("GSR") in September 1988. Whitley remained associated as a GSR with that entity until September 1989. Between September 1989 and July 1991, Whitley was employed outside of the securities industry. In July 1991, Whitley became associated as a GSR with another FINRA-regulated entity, where he remained until July 1992. In July 1992, Whitley joined H.D. Vest Investment Securities, Inc. ("H.D. Vest" or the "Firm"), where he served as a GSR until August 2014.

On August 1, 2014, H.D. Vest filed a Uniform Notice for Securities Industry Registration ("Form U5") reporting the termination of Whitley's employment.

Although he is not currently employed in the securities industry, FINRA retains jurisdiction over Whitley pursuant to Article V, Section 4(a) of the FINRA By-Laws until at least August 1, 2016.

RELEVANT DISCIPLINARY HISTORY

Respondent has no relevant disciplinary history.

OVERVIEW

Whitley failed to provide testimony related to FINRA's investigation of allegations that he may have engaged in unsuitable trading in customer accounts while he was employed at the Firm.

As a result, Whitley violated FINRA Rules 8210 and 201 for failing to provide testimony to FINRA as requested.

FACTS AND VIOLATIVE CONDUCT

Whitley Failed to Comply With FINRA's Request For Testimony

FINRA Rule 8210 authorizes FINRA, in the course of its investigations, to require persons associated with a FINRA member, or person subject to FINRA's jurisdiction to "provide information orally, in writing, or electronically ... and to testify at a location specified by FINRA Staff, under oath or affirmation ... with respect to any matter involved in the investigation." Failure to comply with requests for information and requests to appear and provide testimony pursuant to FINRA Rules 8210 is also a violation of FINRA Rule 2010.

In connection with Enforcement's investigation, on April 2, 2015, Enforcement sent Whitley a written request pursuant to FINRA Rule 8210 to appear for on-the-record testimony on May 13, 2015 and May 14, 2015. By letter dated April 23, 2015, Whitley informed Enforcement that he received Enforcement's written request for testimony, but would not provide testimony on the scheduled date or at any time thereafter.

By failing to provide testimony requested by FINRA staff, Whitley violated FINRA Rules 8210 and 2010.

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

- A bar from association in any and all capacities with any FINRA regulated entity.

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.

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).

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 prejudice of the Chief Legal Officer, 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 accordance with FINRA Rule 8313;
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.

5-5-15
Date


Richard Eugene Whitley
Respondent

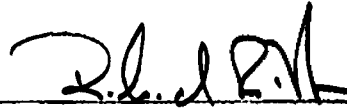
Reviewed by:


William A. Blancato, Esq.
Counsel for Respondent
Doughton Blancato PLLC
633 West Fourth Street, Suite 150
Winston-Salem, NC 27101

Accepted by FINRA:

6-12-15
Date

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



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