

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2015043960101**

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

RE: Kevin Rodriguez, Respondent
Former Registered Representative
CRD No. 5457876

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

Respondent Kevin Rodriguez entered the securities industry in December 2007 when he became associated with Fidelity Brokerage Services, LLC ("Fidelity" or "the firm") as a General Securities Representative. On January 2, 2015, Fidelity terminated Respondent's registration. Since that time, Respondent has not been associated with another FINRA member firm. Pursuant to Article V, Section 4 of the FINRA By-Laws, FINRA retains jurisdiction over Respondent for purposes of this proceeding.

OVERVIEW

Between September 2011 and September 2014 (the "relevant period"), Respondent converted more than \$1,400 from Fidelity by submitting false expense reports. Specifically, Respondent mischaracterized personal expenses as business-related charges for which he sought—and received—reimbursement from the firm. By converting firm funds, Respondent violated FINRA Rule 2010.

By falsifying firm expense reports, Respondent caused the firm to maintain inaccurate books and records in violation of NASD Rule 3110 and FINRA Rules 4511 and 2010.¹

FACTS AND VIOLATIVE CONDUCT

During the relevant period, Respondent charged \$1,405.27 in personal expenses to the firm's credit card. These personal expenses included headphones, car rentals, taxi services, and other items and services incurred during personal trips and vacations. Respondent then submitted inaccurate expense reports to the firm that falsely indicated the charges were business-related, e.g., related to meetings with external clients and/or involving the purchase of business supplies. In reliance on the inaccurate expense reports, the firm reimbursed Respondent for the charges.²

FINRA Rule 2010 requires associated persons to observe high standards of commercial honor and just and equitable principles of trade. Conversion of firm funds is a violation of Rule 2010. By improperly obtaining reimbursement for personal expenses, Respondent converted firm funds in violation of FINRA Rule 2010.

NASD Rule 3110 and its successor, FINRA Rule 4511, require firms to make and maintain certain books and include the obligation that such books and records be accurate. Associated persons that cause a firm to maintain inaccurate books and records violate this obligation as well as FINRA Rule 2010. By creating false expense reports, Respondent caused the firm to maintain inaccurate books and records in violation of NASD Rule 3110, and FINRA Rules 4511 and 2010.

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

A bar from associating with any FINRA member 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 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. A bar or expulsion shall become effective upon approval or acceptance of this AWC.

¹ FINRA Rule 4511 superseded NASD Rule 3110 on December 5, 2011.

² Respondent has paid restitution to Fidelity.

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

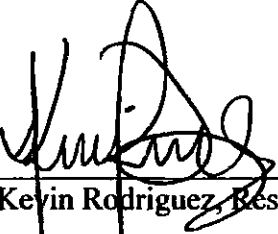
C. If accepted:

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.

9/9/2015

Date (mm/dd/yyyy)

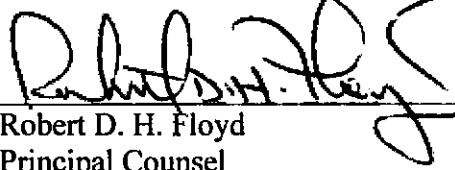


Kevin Rodriguez, Respondent

Accepted by FINRA:

9/23/2015
Date

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

A handwritten signature in black ink, appearing to read "Robert D. H. Floyd", written over a horizontal line.

Robert D. H. Floyd
Principal Counsel
FINRA Department of Enforcement
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