

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2017055973101**

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

RE: Brian D. Parker, Respondent
Registered Representative
CRD No. 2161106

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Respondent Brian D. Parker, 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 Respondent(s) alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. Respondent hereby accepts and consents, 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 Brian D. Parker ("Parker") entered the securities industry in September 1991 as an Investment Company/Variable Contracts Products Representative with a FINRA-regulated firm. Between September 2015 and October 2017, Parker was registered as an Investment Company/Variable Contracts Principal with USA Financial, a FINRA-regulated firm. Parker has not been registered with any FINRA-regulated firm since his registration with USA Financial was terminated in October 2017. Although he is not currently registered or associated with a FINRA-regulated firm, FINRA retains jurisdiction over Parker pursuant to Article V, Section 4, of FINRA's By-Laws.

RELEVANT DISCIPLINARY HISTORY

On May 4, 2011, FINRA accepted a Letter of Acceptance, Waiver and Consent (AWC No. 2008011572901) in which Parker consented to the entry of findings that he violated FINRA Rule 2010 and NASD Rules 2110, 3030, and 3050, by failing to provide prompt written notices of both his outside business activities, and his outside securities account, which he held at another FINRA broker-dealer. Parker was suspended for thirty days in all capacities and fined \$5,000.

OVERVIEW

In August 2017, Parker directed his assistant to impersonate a customer in order to obtain a Change in Beneficiary form for an insurance account that the customer held directly with the insurance company. By instructing his assistant to impersonate the customer, Parker engaged in unethical conduct in violation of FINRA Rule 2010.

Also in August 2017, Parker forged a second customer's initials on a Suitability Form and falsified a Transfer of Assets form for that customer's account; Parker reused a previously-executed signature page from another form. By forging the initials of this customer and falsifying the form in the manner noted above, Parker also acted unethically in violation of FINRA Rule 2010.

FACTS AND VIOLATIVE CONDUCT

A. Parker Caused his Assistant to Impersonate a Customer

FINRA Rule 2010 requires associated persons to "observe high standards of commercial honor and just and equitable principles of trade."

In August 2017, one of Parker's customers, MP, requested a change to the designated beneficiary on an insurance policy she held directly with the policy issuer. In order to obtain MP's policy information and the form that would need to be completed to change the beneficiary designation, Parker directed his assistant to obtain that information by impersonating the customer. Specifically, Parker instructed the assistant to have all of MP's personal confidential information in front of her, including MP's birthdate, social security number and address, and to explicitly misrepresent to the insurance carrier that she was MP. While Parker was obtaining this information as an accommodation to MP, he explicitly instructed his assistant to "get around" the insurance company's privacy policies by pretending to be MP. At Parker's direction his assistant carried out his directions.

By virtue of the foregoing, Parker acted unethically and failed to observe high standards of commercial honor and just and equitable principals of trade, in violation of FINRA Rule 2010.

B. Forgery and Falsification of Document

Forging customer initials and falsifying customer signatures is also unethical conduct that violates FINRA Rule 2010.

On July 26, 2017, another of Parker's customers, DM, signed an application to purchase an equity indexed annuity. USA Financial rejected that application on August 3, 2017, because certain required forms were either missing or incomplete. Specifically, the application included an incomplete "Fixed Indexed Annuity Acknowledgment" form and the required customer suitability profile form was not submitted. In addition, a required "Transfer of Assets" form was completed but not signed by DM.

Parker met with DM the following day to have him complete and execute all of the required forms, but later discovered that DM had failed to initial the customer suitability profile form. After discussing this omission with DM, Parker initialed the form for him, as DM had requested.

Prior to re-submitting the new application and the newly-completed and executed forms to the Firm, Parker could not locate the newly-completed Transfer of Assets form. Parker did not discuss this missing form with DM and did not have DM complete and execute a new Transfer of Assets form. Instead, Parker completed a new Transfer of Assets form himself. He then attached the signature page from DM's earlier, rejected application. After attaching the previously executed signature page to the Transfer of Assets form, Parker directed his assistant to submit the forms for processing. No assets were transferred against DM's direction.

By virtue of the foregoing, Parker failed to observe high standards of commercial honor and just and equitable principles of trade, in violation of FINRA Rule 2010.

B. Respondent also consents to the imposition of the following sanctions:

- a four-month suspension from associating with any FINRA member in any capacity; and
- a \$10,000 fine

Respondent understands that if he is barred or suspended from associating with any FINRA member, he becomes 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, he 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 fine shall be due and payable either immediately upon reassociation with a member Firm, 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.

Respondent specifically and voluntarily waives any right to claim an inability to pay, now or at any time hereafter, the monetary sanction(s) imposed in this matter.

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

II.

WAIVER OF PROCEDURAL RIGHTS

Respondent specifically and voluntarily waives the following rights granted under FINRA's Code of Procedure:

- A. To have a Complaint issued specifying the allegations against him;
- 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, Respondent specifically and voluntarily waives 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.

Respondent further specifically and voluntarily waives 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.

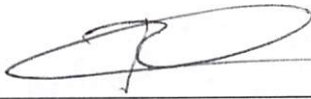
OTHER MATTERS

Respondent understands 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 Respondent(s); and
- C. If accepted:
 - 1. this AWC will become part of Respondent's permanent disciplinary record and may be considered in any future action brought by FINRA or any other regulator against Respondent(s);
 - 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. Respondent 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. Respondent 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 Respondent's: (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. Respondent may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. Respondent understands that he 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.

Respondent certifies that he has read and understand all of the provisions of this AWC and has been given a full opportunity to ask questions about it; Respondent understands and acknowledges that FINRA does not represent or advise him and Respondent cannot rely on FINRA or FINRA staff members for legal advice. Respondent has agreed to the AWC's provisions voluntarily; and 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 him to submit this AWC.

9.24-19
Date

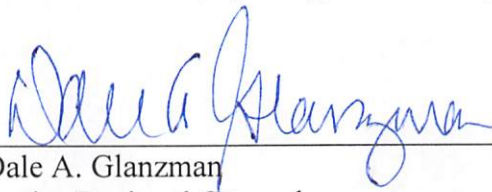


Brian D. Parker
Respondent

Accepted by FINRA:

10-01-2019
Date

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



Dale A. Glanzman
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