

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER, AND CONSENT
NO. 2018059175201**

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

RE: Alexis Cooke (Respondent)
Former Investment Company and Variable Contracts Products Representative
CRD No. 5598604

Pursuant to FINRA Rule 9216, Respondent Alexis Cooke 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 alleging violations based on the same factual findings described in this AWC.

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

Cooke first became registered as an Investment Company and Variable Contracts Products Representative (IR) with a FINRA member firm in October 2009. After working at other member firms, Cooke became registered as an IR through an association with NYLIFE Securities LLC in November 2016.

On July 13, 2018, NYLIFE filed a Form U5 disclosing that Cooke resigned in June 2018 during an internal investigation into allegations that Cooke “submit[ed] insurance and annuity applications for customers without the customers’ full knowledge or consent . . . for the purpose of meeting production requirements.” In June 2018, Cooke became associated with another member firm as an IR. On July 12, 2021, that member firm filed a Form U5 stating that Cooke was voluntarily terminated as of June 24, 2021.

Although Cooke is not currently associated with a FINRA member firm, she remains subject to FINRA’s jurisdiction pursuant to Article V, Section 4 of FINRA’s By-Laws.¹

¹ For more information about the respondent, visit BrokerCheck® at www.finra.org/brokercheck.

OVERVIEW

Between May 2017 and February 2018, while associated with NYLIFE, Cooke engaged in falsification, impersonation, and forgery with respect to two variable annuity applications involving two firm customers, and falsification with respect to two fixed annuity applications also involving those customers. With respect to the variable annuity applications, Cooke falsely indicated that the customers had authorized submission of the applications and consented to the issuance of the policies. Cooke also created fake email addresses for the two customers, which she used to electronically forge their signatures on the variable annuity applications via DocuSign. Cooke falsified the two fixed annuity applications by untruthfully stating in the applications that she had met with the customers, witnessed their signatures, and verified their respective identities. Finally, Cooke failed to respond truthfully to FINRA staff's questions during testimony. Based on the foregoing, Cooke violated FINRA Rules 2010, 4511, and 8210.

FACTS AND VIOLATIVE CONDUCT

This matter originated from NYLIFE's filing of a Form U5 terminating Cooke's registration.

Falsification of Annuity Applications and Inaccurate Books and Records

FINRA Rule 2010 requires associated persons to observe high standards of commercial honor and just and equitable principles of trade in the conduct of their business. Falsifying documents occurs when a person creates a document that purports to be something other than what it is by including altered or untrue information. Falsification is inconsistent with just and equitable principles of trade and violates FINRA Rule 2010.

FINRA Rule 4511 requires member firms to "make and preserve books and records as required under the FINRA rules, the Exchange Act, and the applicable Exchange Act rules." Variable annuity applications are records required to be kept under Section 17(a) of the Exchange Act and Rule 17a-3, thereunder. A registered representative who falsifies firm records causes the firm to maintain inaccurate books and records in violation of FINRA Rules 4511 and 2010.

Cooke engaged in falsification involving four annuity applications for two firm customers. First, Cooke falsified two variable annuity applications in October 2017 by completing them and falsely representing them to NYLIFE as authentic applications for transactions that the two customers had authorized when, in fact, they were submitted without either customer's knowledge or consent. Second, Cooke also completed and submitted two fixed annuity applications on behalf of the same two firm customers in May and June 2017 in which she falsely attested to meeting with them, witnessing their signatures, and reviewing their original driver's licenses. Those attestations were false at the time Cooke made them because she never met either customer. By including those untrue statements in the fixed annuity applications, Cooke falsified those documents. As with the variable annuity applications, the fixed annuity applications were also unauthorized and submitted to NYLIFE without either customer's knowledge or consent.

Cooke received approximately \$68,000 in advanced commissions for the four applications, all of which was eventually recovered by the firm when the applications were not funded.

Cooke's actions with respect to the fixed annuity applications also contravened an attestation she made on a 2017 firm questionnaire, in which she agreed to comply with firm policy requiring representatives to review a customer's actual and current identification during the application process.

Therefore, by falsifying the four applications, Cooke violated FINRA Rule 2010. Additionally, by falsifying the two variable annuity applications, which are applications for securities, Cooke caused NYLIFE's books and records to be inaccurate and thereby violated FINRA Rules 4511 and 2010.

Forgery of Customer Signatures and Impersonation of Customers

Signing another person's name to documents, without authority, constitutes forgery. Forgery and impersonation of a customer are inconsistent with just and equitable principles of trade and violate FINRA Rule 2010.

Cooke created fake email addresses for the two firm customers described above, which she used to electronically forge the customers' signatures on the two variable annuity applications via DocuSign. Cooke submitted these applications to NYLIFE in October 2017 without either customer's authorization or consent. In February 2018, when NYLIFE became suspicious as to why the applications remained unfunded, Cooke used the fake email addresses to impersonate the customers in correspondence with the firm, purportedly requesting to cancel the applications. At the time, Cooke was aware of NYLIFE's written supervisory procedures, which prohibited registered representatives from signing customers' names on applications and from impersonating customers.

Therefore, by engaging in forgery and impersonation with respect to two firm customers, Cooke violated FINRA Rule 2010.

Provision of False and Misleading Information to FINRA

FINRA Rule 8210 requires associated persons to provide documents, testimony, and written information regarding any matter involved in an examination or investigation. A registered representative who provides false or misleading information to FINRA violates FINRA Rules 8210 and 2010.

During her June 1, 2021 on-the-record interview with FINRA, Cooke initially denied creating the fake email addresses for the customers and using those email accounts to forge the customers' signatures on the variable annuity applications. Only after FINRA staff presented Cooke with evidence that an email sent from the fake customer email addresses shared the same IP address as Cooke's personal email address did Cooke admit in testimony to creating both fake email addresses. Cooke then admitted in testimony to

electronically forging one of the customer's signatures on one variable annuity application but denied forging the other customer's signature on the other variable annuity application. However, DocuSign audit trail data provided by NYLIFE after Cooke's interview reflected that the other variable annuity application was also accessed and signed using a fake email address Cooke created. Therefore, by providing false and misleading testimony to FINRA staff, Cooke violated FINRA Rules 8210 and 2010.

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

- a bar from associating with any FINRA member in all capacities.

Respondent understands that if she is barred or suspended from associating with any FINRA member, she 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, she 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 in this AWC shall be effective on a date set by FINRA. A bar or expulsion shall become effective upon approval or acceptance of this AWC.

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 her;
- 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 prejudgment 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 its acceptance or rejection.

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; 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;
 - 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 its subject matter 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 testimonial obligations or right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.

Respondent certifies that she has read and understands 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 her and Respondent cannot rely on FINRA 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 in this AWC and the prospect of avoiding the issuance of a complaint, has been made to induce her to submit this AWC.

July 23, 2021

Date

Accepted by FINRA:

August 13, 2021

Date

Alexis Cooke

Alexis Cooke
Respondent

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

Abby Shechtman

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