FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 2018060947101

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

RE: Rodney Welsh, Respondent
Former Investment Company and Variable Contracts Products Representative
CRD No. 5138609

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Respondent Rodney Welsh 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 Welsh 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

Welsh entered the securities industry in May 2006 when he associated with a FINRA member firm. He first registered with FINRA in October 2006 as an investment company and variable contracts products representative. Welsh's last registration with FINRA, also as an investment company and variable contracts products representative, was through MetLife Investors Distribution Company. On December 19, 2018, MetLife Investors Distribution Company filed a Uniform Termination Notice for Securities Industry Registration ("Form U5") stating that Welsh had been terminated for failing to "follow Firm policy with respect to expense reimbursement (non-securities related)." Welsh is not currently associated with a FINRA member firm, but he remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.

RELEVANT DISCIPLINARY HISTORY

Welsh does not have any disciplinary history with the Securities and Exchange Commission, any state securities regulators, FINRA, or any other self-regulatory organization.

OVERVIEW

Welsh refused to give on-the-record testimony as requested by FINRA staff pursuant to FINRA Rule 8210. As a result, he violated FINRA Rules 8210 and 2010.

FACTS AND VIOLATIVE CONDUCT

FINRA Rule 8210 states that FINRA staff may require persons subject to its jurisdiction to "testify at a location specified by FINRA staff, under oath or affirmation … with respect to any matter involved in [an] investigation" authorized by the FINRA By-Laws or rules. Rule 8210(c) further states that "[n]o person shall fail to provide information or testimony … pursuant to this Rule." A violation of Rule 8210 is also a violation of FINRA Rule 2010.

On March 2, 2020, while investigating the reasons for Welsh's termination, FINRA staff sent Welsh a request for on-the-record testimony pursuant to Rule 8210. As stated in Welsh's counsel's email to FINRA staff on March 3, 2020, and by this agreement, Welsh acknowledges that he received FINRA's request but will not appear for on-the-record testimony at any time. By refusing to appear for on-the-record testimony as requested pursuant to Rule 8210, Welsh has 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 firm in any capacity.

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 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.

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 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 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; 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 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.

Respondent certifies that he has read and understands all of the provisions of this AWC and has been given a full opportunity to ask questions about it; 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.

3/11/20
Date

Rodney Welsh
Respondent

Reviewed by:

3/16/2020

Matthew J. Turchyn
Counsel for Respondent
Hertz Schram PC
1760 S Telegraph Road, Suite 300
Bloomfield Hills, MI 48302

Accepted by FINRA:

March 18, 2020
Date

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

Jonathan E. Pahl
Principal Counsel
FINRA
Department of Enforcement
15200 Omega Drive, Suite 300
Rockville, MD 20850