

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER, AND CONSENT
NO. 2020068525301**

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

RE: John E. Simmons, Jr. (Respondent)
Former General Securities Representative
CRD No. 4878890

Pursuant to FINRA Rule 9216, Respondent John E. Simmons, Jr. 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

Respondent first became registered with FINRA as a General Securities Representative (GSR) in January 2005 through his association with a FINRA member firm. In July 2008, Simmons became registered as a GSR through LPL Financial LLC until August 2011, and then became registered through another member Firm until September 2015. Relevant here, on August 7, 2015, Simmons again became registered through LPL. On September 17, 2020, LPL filed a Form U5 (Uniform Termination Notice for Securities Industry Registration) terminating Respondent's registration. Although Respondent is not presently associated with any FINRA member firm, he remains subject to FINRA's jurisdiction pursuant to Article V Section 4 of FINRA's By-Laws.

Respondent does not have any relevant disciplinary history.

OVERVIEW

Simmons violated FINRA Rules 8210 and 2010 by failing to provide information and documents pursuant to FINRA rule 8210.

FACTS AND VIOLATIVE CONDUCT

This matter originated from a Form U5 Amendment filed by LPL on October 30, 2020, disclosing an internal review into Respondent's "involvement in a private securities transaction without notice or approval by the Firm."

FINRA Rule 8210(a)(1) states in relevant part that FINRA has the right to "require a...person associated with a member, or any person subject to FINRA's jurisdiction to provide information orally, in writing, or electronically..." FINRA Rule 8210(c) further states that "[n]o member or person shall fail to provide information...pursuant to this Rule." A violation of FINRA Rule 8210 is also a violation of FINRA Rule 2010, which requires associated persons to "observe high standards of commercial honor and just and equitable principles of trade."

On February 24, 2021, in connection with an investigation into the allegations contained in the Form U5 Amendment, FINRA sent a letter to Respondent requesting information and documents pursuant to FINRA Rule 8210. In letter dated March 9, 2021, and by this agreement, Respondent, through his counsel, acknowledged that he received FINRA's request and will not provide the information and documents now or at any time in the future.

By refusing to produce the information and documents as requested pursuant to FINRA Rule 8210, Respondent 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 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 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 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 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 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 in this AWC and the prospect of avoiding the issuance of a complaint, has been made to induce him to submit this AWC.

May 7, 2021

Date

John E. Simmons Jr.

John E. Simmons, Jr.
Respondent

Reviewed by:

Matthew Massey

Matthew P. Massey
Counsel for Respondent
Beggs & Lane, RLLP
501 Commendencia Street
Pensacola, Florida 32502

Accepted by FINRA:

May 10, 2021

Date

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

Melinda Prescod

Melinda Prescod
Senior Attorney
FINRA
Department of Enforcement
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New York, NY 10281