

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
LETTER OF ACCEPTANCE, WAIVER AND CONSENT  
NO. 20160507270-01**

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

**RE: Kenneth Alan Balsler, Respondent  
CRD No. 704053**

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.

**L.**

**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**

Kenneth Alan Balsler, ("Balsler") entered the securities industry in September 1999 when he became associated with a FINRA member firm. Balsler became registered with this FINRA member firm as a General Securities Representative ("GS") (Series 7 license) in November 1999 and remained associated with this FINRA member firm until May 2003.

Between May 2003 and October 2013, Balsler was registered with three other FINRA member firms before joining Cetera Advisors LLC (the "Firm") as a GS and a General Securities Principal (Series 24 license)<sup>1</sup> in October 2013.<sup>2</sup>

On July 21, 2016, the Firm filed a Form US Uniform Termination Notice for Securities Industry Registration with FINRA disclosing that Balsler's employment was terminated on July 18, 2016. Balsler's registration with FINRA ended on July 21, 2016.

Balsler is not currently associated with a FINRA member firm, but remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of FINRA's By-Laws.

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<sup>1</sup> Balsler acquired his General Securities Principal license in May 2013.

<sup>2</sup> Balsler was not associated with any FINRA member firm from April 17, 2007 through February 1, 2012.

### **RELEVANT DISCIPLINARY HISTORY**

Balser has no previous relevant disciplinary history.

### **OVERVIEW**

Balser refused to appear for testimony and provide documents and information as requested by FINRA staff's Rule 8210 request letters dated November 10, 2016 and November 14, 2016 in violation of FINRA Rules 8210 and 2010.

### **FACTS AND VIOLATIVE CONDUCT**

On November 10, 2016, during the course of an investigation into allegations that Balser engaged in private securities transactions in violation of Firm policy, FINRA requested that Balser provide testimony, pursuant to FINRA Rule 8210, on December 2, 2016.

On November 14, 2016 FINRA requested that Balser provide documents and information, pursuant to FINRA Rule 8210, on or before November 21, 2016. On November 17, 2016, FINRA extended Balser's time to respond to this request until November 29, 2016.

As stated in his email to FINRA staff on November 28, 2016, and by this agreement, Balser acknowledges that he received FINRA's 8210 requests and will not produce the information requested or appear for his on-the-record testimony at any time.

By refusing to respond to FINRA's request for documents and information and appear for on-the-record testimony as requested pursuant to FINRA Rule 8210, Balser violates FINRA Rules 8210 and 2010.

### **OTHER FACTORS**

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.

## **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 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.

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.

12/6/2016

Date (mm/dd/yyyy)

Kenneth Alan Balsler  
Kenneth Alan Balsler, Respondent

Reviewed by:

Kimberley P. Cronin

Kimberley P. Cronin, Esq.  
Messner Reeves LLP  
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Accepted by FINRA:

12/19/16

Date

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

David Camuzo by [Signature]  
David Camuzo  
Director  
FINRA Department of Enforcement  
Brookfield Place, 200 Liberty Street  
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