FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 20180598999-01

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

RE: Nicholas Randolph Radke, Jr, Respondent
        Former Registered Representative
        CRD No. 2610246

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, I, Nicholas Randolph Radke Jr ("Radke"), 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.

I.

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

Radke first became registered with FINRA through a FINRA member firm in July 1995 and was registered with various FINRA member firms until October 2018, including American Independent Securities Group, LLC (BD No. 135288) from May 2011 to May 2018. In October 2018, Radke voluntarily resigned from MML Investors Services, LLC. (BD No. 10409), which then terminated his registration. Since then, Radke has not been registered with FINRA, but remains subject to FINRA's jurisdiction pursuant to Article V, Section 4 of the FINRA By-Laws.

RELEVANT DISCIPLINARY HISTORY

Radke does not have any formal disciplinary history with the Securities and Exchange Commission, any self-regulatory organization, or any state securities regulator.

OVERVIEW

Radke failed to provide documents and information requested pursuant to FINRA Rule 8210, in violation of FINRA Rules 8210 and 2010.

FACTS AND VIOLATIVE CONDUCT

FINRA Rule 8210(a)(1) states, in relevant part, that FINRA may "require a…person associated with a member…to provide information orally, in writing, or electronically…with respect to any matter involved in [a FINRA] investigation." FINRA Rule 8210(c) states that "[n]o member or person shall fail to provide information…or to permit an inspection and copying of books, records, or accounts pursuant to this Rule." A failure to comply with Rule 8210 is a violation of FINRA Rule 2010.

On October 5, 2018, FINRA staff sent a request to Radke for documents and information pursuant to FINRA Rule 8210, to be produced by October 19, 2018. The request was sent in connection with FINRA's investigation into allegations that Radke, among other things, participated in a private securities transaction without prior approval from his firm. Radke did not produce the documents and information by October 19, 2018. On October 22, 2018, FINRA staff sent a second request to Radke for the same documents and information, to be produced by November 5, 2018. On October 25, 2018, Radke requested an extension to November 15, 2018 to respond to the request. FINRA staff granted the request. On November 12, 2018, on a call with FINRA staff, Radke acknowledged that he received the request and stated that he would not produce the requested documents and information at any time. To date, Radke has not produced the documents and information requested by FINRA staff. As stated in his call, and by this agreement, Radke acknowledges that he received FINRA's request and will not produce the information requested.

By virtue of the foregoing, Radke violated FINRA Rules 8210 and 2010.

B.   I also consent to the imposition of the following sanctions:

* A bar in all capacities from association with any FINRA member.

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 understand and acknowledge that FINRA does not represent or advise me and I cannot rely on FINRA or FINRA staff members for legal advice; 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.

11-26-2018
Date (mm/dd/yyyy)

Nicholas Randolph Radke Jr, Respondent

Accepted by FINRA:

12/4/2018

12/4/2018
Date

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

Phil Huynh
Principal Counsel
FINRA Department of Enforcement
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