

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

Merrill Lynch, Pierce, Fenner & Smith Inc.

Hearing Site: Newark, New Jersey

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████: Leslie Walters: Leslie Walters, J.D., AdvisorLaw, LLC, Broomfield, CO.

For Respondent Merrill Lynch, Pierce, Fenner & Smith Inc.: Joshua D. Jones, Esq., Bressler, Amery & Ross, P.C., Birmingham, Alabama.

CASE INFORMATION

Statement of Claim filed on or about: August 31, 2016.
Claimant signed the Submission Agreement: August 31, 2016.

Statement of Answer filed by Respondent on or about: October 20, 2016.
Respondent signed the Submission Agreement: October 15, 2016.

CASE SUMMARY

Claimant asserted the following cause of action: expungement of his CRD record.

In its Answer, Respondent did not oppose Claimant's request for expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: expungement of his CRD record and compensatory damages in the amount of \$1.00.

In the Statement of Answer, Respondent requested that the request for compensatory damages be denied and concurred with Claimant's request for expungement.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges that she has read the pleadings and other materials filed by the parties.

The Arbitrator conducted a recorded telephonic hearing on January 30, 2017 so the parties could present oral argument and evidence on [REDACTED] request for expungement of his CRD record. Respondent participated in the hearing and did not oppose Claimant's request for expungement.

The customer had previously withdrawn the complaint and supported expungement.

In recommending expungement the Arbitrator considered the pleadings, exhibits, Claimant's BrokerCheck® Report, CRD Records, the underlying complaint sent by email on November 14, 2012 by a former Board Member on behalf of the Board of customer Madison Green Condominium and the Board Treasurer's letter dated January 28, 2013 withdrawing the complaint and supporting the expungement request.

The Arbitrator noted that Claimant had not previously requested expungement of the same matter in the CRD.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. The Arbitrator recommends the expungement of all references to customer complaint (occurrence number [REDACTED]) from Claimant [REDACTED] (CRD [REDACTED]) registration records maintained by the Central Registration Depository ("CRD"), with the understanding that, pursuant to Notice to Members 04-16, [REDACTED] must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 12805 of the Code, the Arbitrator has made the following Rule 2080 affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous; and

The claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 findings based on the following reasons:

The underlying complainant was not authorized by the Madison Green Condominium Board (customer) to make a complaint. The Board formally withdrew the complaint and stated there was no basis in fact for its allegations and further requested that the complaint be expunged from Claimant's record with FINRA.

Claimant's CRD record reflects no prior disputes. The public's interest is properly protected.

2. Claimant's request for compensatory damages is denied.
3. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

FINRA Office of Dispute Resolution assessed a filing fee* for each claim:

Initial Claim Filing Fee	= \$ 50.00
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**The filing fee is made up of a non-refundable and a refundable portion.*

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the event giving rise to the dispute. Accordingly, as a party, Merrill Lynch, Pierce, Fenner & Smith Inc. is assessed the following:

Member Surcharge	= \$ 150.00
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Hearing Session Fees and Assessments

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) hearing session on expungement request @ \$ 50.00/session	= \$ 50.00
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Hearing Date: January 30, 2017	1 session
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Total Hearing Session Fees	= \$ 50.00
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The Arbitrator has assessed the \$50.00 hearing session fee to Claimant.

All balances are payable to FINRA Office of Dispute Resolution and are due upon receipt.

ARBITRATOR


Joan M. Traub

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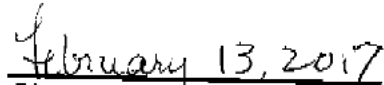
Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument which is my award.

Arbitrator's Signature



Joan M. Traub
Sole Public Arbitrator



Signature Date

February 15, 2017

Date of Service (For FINRA Office of Dispute Resolution office use only)