

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

██████████

Case Number: ██████████

vs.

Respondent

Raymond James Financial Services, Inc.

Hearing Site: Tampa, Florida

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████: Docthor D. Kennedy, MBA, J.D. and Michael O'Gara, Esq., AdvisorLaw LLC, Broomfield, Colorado.

For Respondent Raymond James Financial Services, Inc.: Brandy Pikus, Esq., Raymond James Financial Services, Inc., St. Petersburg, Florida.

CASE INFORMATION

Statement of Claim filed on or about: October 24, 2016.

██████████ signed the Submission Agreement: October 24, 2016.

Statement of Answer filed by Respondent on or about: November 18, 2016.

Raymond James Financial Services, Inc. signed the Submission Agreement: October 31, 2016.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the cause of action of inaccurate reporting on his Central Registration Depository ("CRD") records. The cause of action relates to a customer complaint, Occurrence No. ██████████ ("Complaint"), recorded by Respondent on Claimant's CRD records.

In the Statement of Answer, Respondent did not oppose the expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: expungement of all references to the Complaint from his CRD records; an award of compensatory damages in the amount of \$1.00; and any and all other relief deemed just and equitable.

In the Statement of Answer Respondent did not delineate any specific relief request.

OTHER ISSUES CONSIDERED AND DECIDED

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

On or about February 17, 2017, the Arbitrator directed Claimant's counsel to provide a copy of the Statement of Claim and notice of hearing in this arbitration to the underlying customer that filed the Complaint. On or about March 3, 2017, Claimant filed with FINRA Office of Dispute Resolution a proof of service of the Statement of Claim to the underlying customer in the Complaint, and advised the customer of his right to participate in the expungement hearing scheduled for May 2, 2017.

The Arbitrator conducted a recorded telephonic hearing on May 2, 2017, so that the parties could present oral argument and evidence on Claimant's request for expungement. The customer appeared and testified at the recorded telephonic expungement hearing.

Respondent did not participate in the expungement hearing and did not contest the request for expungement.

AWARD

After considering the pleadings, the testimony and evidence presented at the recorded telephonic 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 the above-captioned arbitration from registration records maintained by the CRD, for Claimant [REDACTED] (CRD# [REDACTED]), with the understanding that, pursuant to Notice to Members 04-16, Claimant [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 13805 of the Code of Arbitration Procedure (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 Claimant broker as well as the customer in the underlying Complaint both testified that the customer was fully aware of all transaction fees. The customer did

not agree with the way the Complaint was reported by Respondent on Claimant's CRD records and did not otherwise take a position on the request for expungement.

In making the above findings, the Arbitrator considered Claimant's emails and the testimony of Claimant and the customer at the expungement hearing that the customer was fully aware of the transaction fees. Additionally, the Arbitrator reviewed the Claimant's BrokerCheck® report; the pleadings; and the settlement documents, considered the amount of payments made to any party, and considered other relevant terms and conditions of the settlement. The Arbitrator noted that Claimant was pressured by Respondent to settle the customer Complaint and did contribute to the settlement amount as the amount was deducted from his commissions. The Arbitrator also noted that the settlement was not conditioned on the customer not opposing Claimant's request for expungement and that Claimant did not previously file a claim requesting expungement of the same disclosure in the CRD.

The Arbitrators has provided an explanation of his decision in this Award. The explanation is for the information of the parties only and is not precedential in nature.

2. 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
--------------------------	------------

**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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge	= \$ 150.00
------------------	-------------

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(s), including a pre-hearing conference with the arbitrator(s) 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
Hearing Date: May 2, 2017	1 session

Total Hearing Session Fees = \$ 50.00

The Arbitrator has assessed the entire hearing session fee in the amount of \$50.00 to Claimant.

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

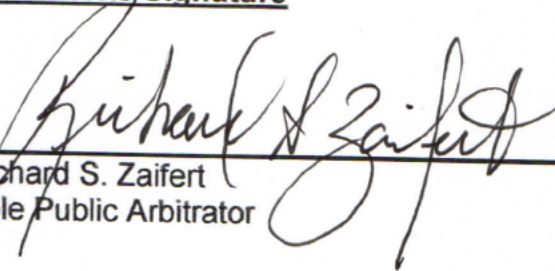
ARBITRATOR

Richard S. Zaifert

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


Richard S. Zaifert
Sole Public Arbitrator

MAY 10, 2017
Signature/Date

MAY 11, 2017

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