

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

Park Avenue Securities LLC

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████: Armin Sarabi Esq., and Dochter Kennedy, Esq., AdvisorLaw LLC, Broomfield, Colorado.

For Respondent Park Avenue Securities LLC: Kristin Wynne, Esq., The Guardian Life Insurance Company, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: February 16, 2017.
Claimant signed the Submission Agreement: February 16, 2017.

Statement of Answer filed by Respondents on or about: April 28, 2017.
Respondent signed the Submission Agreement April 27, 2017.

CASE SUMMARY

Claimant asserted the following cause of action: expungement.

Respondent did not oppose the request for expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$1.00 and expungement of his CRD records, and any relief the Arbitrator deems just and equitable.

In the Statement of Answer Respondent requested dismissal of the request for compensatory damages.

At the close of the hearing, Claimant withdrew his request for compensatory damages.

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 August 11, 2017 so the parties could present oral argument and evidence on [REDACTED] request for expungement.

The underlying customer was provided notice of the expungement request and a copy of the Statement of Claim and did not contest the expungement request or attend the hearing.

The Arbitrator reviewed the BrokerCheck® Report for [REDACTED].

The Arbitrator noted that [REDACTED] did not previously file a claim requesting expungement of the same disclosure in the CRD.

In recommending expungement the Arbitrator relied upon the following documentary or other evidence: pleadings, exhibits, and the testimony of parties' representatives upon questioning.

The parties present at the hearing have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

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 occurrence # [REDACTED] from registration records maintained by the Central Registration Depository ("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, 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:

Claimant requested an arbitration expungement hearing before FINRA Dispute Resolution regarding the disclosure on his BrokerCheck profile of a customer dispute occurrence number [REDACTED].

An arbitration hearing was not held in the underlying claim because the customer dispute was received by Park Avenue Securities LLC on May 6, 2014 from the customer, and denied on July 8, 2014 after its internal investigation concluded that the named insurance broker, [REDACTED], did not misinform nor provide incomplete information to the customer nor was there any evidence of impropriety on his part. The customer, in her original complaint letter did not seek damages against the Claimant nor against Park Avenue Securities LLC. She wanted to withdraw the additional funds she had invested in her existing Guardian variable annuity without incurring surrender penalties after previously being informed that Guardian would not permit a 1035 penalty-free exchange from an existing contract to a new one, which was her original aim. This request was declined and she did not pursue it any further, but Park Avenue Securities was obliged to report the complaint in accordance with FINRA Rule 4530.

The customer had already owned the Guardian Annuity for 22 years before becoming a client of the Claimant. The Claimant merely provided the projections requested by the customer in order for her to evaluate whether to add more money to her existing annuity or to purchase a different annuity (the new Deferred Income Annuity), informing her that the “apples to apples” type of comparison with her existing annuity that she was requesting, was not possible to make due to the difference in the two products. Claimant advised the customer, as evidenced in extensive email correspondence, to make her own decision as to which type of annuity would best meet her requirements based on her estimate of her future financial needs and her projection of future market conditions, given that she was an experienced investor as well as a Guardian insurance broker herself.

The customer made her investment decision to twice add \$100,000.00 to her existing annuity without the Claimant’s foreknowledge or advice and did not respond to his follow-up inquiries once he learned of her additional investments.

2. Other than forum fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter.

ARBITRATOR

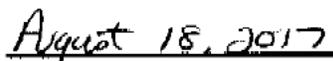
Karen Isabel Bedrosian - Richardson - Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

Arbitrator's Signature



Karen Isabel Bedrosian - Richardson
Sole Public Arbitrator



Signature Date

August 22, 2017
Date of Service (For FINRA Office of Dispute Resolution office use only)