

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

Case Number: [REDACTED]

vs.

Respondent

Citigroup Global Markets, Inc.

Hearing Site: Boston, Massachusetts

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant [REDACTED] Eric Litow, Esq., AdvisorLaw LLC, Broomfield, Colorado.

For Respondent Citigroup Global Markets, Inc.: David I. Hantman, Esq., Bressler, Amery & Ross, P.C., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: June 21, 2017.

[REDACTED] signed the Submission Agreement: June 21, 2017.

Statement of Answer filed by Respondents on or about: August 11, 2017.

Citigroup Global Markets, Inc. signed the Submission Agreement: July 10, 2017.

CASE SUMMARY

Claimant asserted the following cause of action: expungement.

Respondent asserted that it properly disclosed the customer's complaint on Claimant's CRD.

RELIEF REQUESTED

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

In the Statement of Answer, Respondent opposed Claimant's request for compensatory damages. Respondent took no position on Claimant's request for expungement.

OTHER ISSUES CONSIDERED AND DECIDED

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

By correspondence dated November 17, 2017, Claimant provided the Office of Dispute Resolution with proof that he served the customer in the underlying complaint with notice of his expungement request and notice of the customer's right to participate and testify at the expungement hearing. The customer did not participate in the expungement hearing and did not contest the request for expungement.

The Arbitrator conducted a recorded telephonic hearing on December 12, 2017 so the parties could present oral argument and evidence on Claimant's request for expungement.

At the hearing, Claimant withdrew his request for \$1.00 in compensatory damages.

The Arbitrator reviewed the BrokerCheck® Report for Claimant [REDACTED]. The settlement agreement was not available due to the age (over 15 years) of the settlement.

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

In recommending expungement the Arbitrator relied upon the following documentary or other evidence: the pleadings, Claimant's submissions, Claimant's testimony, and the Claimant's BrokerCheckReport.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement 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 reference to the customer complaint (occurrence # [REDACTED]) from [REDACTED] (CRD # [REDACTED]) registration records maintained by the Central Registration Depository ("CRD"), with the understanding that, pursuant to Notice to Members 04-16 [REDACTED] [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 finding of fact:

The claim, allegation or information is false.

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

The underlying case was settled for \$20,000.00. The original claim was for \$17,465.00 plus counsel fees. The claim was settled for convenience and to avoid business expenses. Claimant was not a party to the settlement agreement and made no contribution. There was no wrongdoing on the part of the Claimant. Claimant testified that the trades in the customer's account were all unsolicited. Mr. [REDACTED] statement on his BrokerCheck Report notes that the customer agreed to dismiss all claims against him. However, I found no indication that the claims were withdrawn against the Claimant in exchange for the customer to consent to the expungement request. Although the settlement agreement was unavailable to review (due to the age of the settlement- over 15 years), I found the Claimant to be credible and order expungement of occurrence [REDACTED] from his CRD records.

FEES

Pursuant to the Code of Arbitration Procedure, 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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Citigroup Global Markets, Inc. is assessed the following:

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|------------------|-------------|
| 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, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

| | |
|--|------------|
| One (1) pre-hearing session with a single arbitrator @ \$50.00/session | = \$ 50.00 |
| Pre-hearing conference: October 16, 2017 | 1 session |

| | | |
|--|-------------|---------------|
| One (1) Hearing session on expungement request @ \$50.00/session | = \$ | 50.00 |
| Hearing Date: December 12, 2017 1 session | | |
| <u>Total Hearing Session Fees</u> | <u>= \$</u> | <u>100.00</u> |

The Arbitrator has assessed the \$100.00 hearing session fees to Claimant.

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

ARBITRATOR

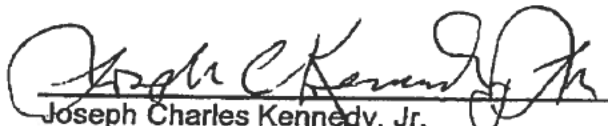
Joseph Charles Kennedy, Jr.

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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



Joseph Charles Kennedy, Jr.
Sole Public Arbitrator

01/25/2018

Signature Date

January 25, 2018

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