

**Award**  
**FINRA Office of Dispute Resolution**

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In the Matter of the Arbitration Between:

Claimant

Case Number

vs.

Respondent

Hearing Site: Washington, D.C.

Tower Square Securities, Inc.

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant [REDACTED] Dochtor Kennedy, Esq. and Michael Bessette, Esq., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent Tower Square Securities, Inc.: Jeremy Carr, Esq., Cetera Financial Group, El Segundo, California.

**CASE INFORMATION**

Statement of Claim filed on or about: May 17, 2017.

[REDACTED] signed the Submission Agreement: May 17, 2017.

Response to Statement of Claim filed by Respondent on or about: July 17, 2017.

Tower Square Securities, Inc. signed the Submission Agreement: July 25, 2017.

**CASE SUMMARY**

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. [REDACTED]) that was recorded by Respondent on Claimant's CRD records.

In its Response to Statement of Claim, Respondent stated that it deferred to the Arbitrator's findings in this matter as to whether the matter should be expunged from Claimant's CRD records.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested: expungement of all references to Occurrence No. [REDACTED] from his CRD records; compensatory damages in the amount of \$1.00; and any and all other relief deemed just and equitable by the Arbitrator.

In the Response to Statement of Claim, Respondent requested: a decision on

Claimant's request for expungement; denial of all other requests for relief; and assessment of all forum costs against Claimant.

### **OTHER ISSUES CONSIDERED AND DECIDED**

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

On or about August 17, 2017, Claimant filed with FINRA Office of Dispute Resolution proof of service of the Statement of Claim upon the underlying customer. The customer did not submit a written response thereto.

On or about December 7, 2017, Claimant filed with FINRA Office of Dispute Resolution proof of service upon the customer of notice of the date and time of the expungement hearing scheduled in this matter, and of its right to participate therein.

The Arbitrator conducted a recorded telephonic hearing on February 9, 2018, so the parties could present oral argument and evidence on Claimant's request for expungement.

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

The customer did not participate in the expungement hearing and did not file any response to the expungement request.

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

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the recorded telephonic hearing, and the post-hearing submissions (if any), the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's request for expungement is denied.
2. Any and all relief not specifically addressed herein is denied.

### **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
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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(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

**Postponement Fees**

Postponements granted during these proceedings for which fees were assessed or waived:

January 19, 2018, postponement by Claimant = \$ 50.00

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Total Postponement Fees = \$ 50.00

The Arbitrator has assessed the total \$50.00 adjournment fee to Claimant.

**Last Minute Cancellation Fees**

Fees apply when a hearing on the merits is postponed or settled within ten calendar days before the start of a scheduled hearing session:

January 19, 2018, postponement by Claimant = \$600.00

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Total Last Minute Cancellation Fees = \$600.00

The Arbitrator has assessed the total \$600.00 last minute cancellation fee to Claimant.

**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) pre-hearing session with a single arbitrator @ \$50.00/session = \$ 50.00  
Pre-hearing conference: September 11, 2017 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00  
Hearing Date: February 9, 2018 1 session

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Total Hearing Session Fees = \$100.00

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

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

**ARBITRATOR**

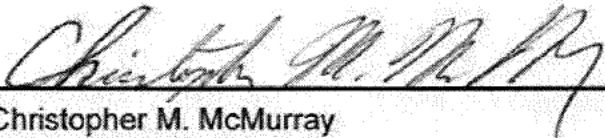
Christopher M. McMurray

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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**

  
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Christopher M. McMurray  
Sole Public Arbitrator

  
\_\_\_\_\_  
Signature Date

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