

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

Wells Fargo Clearing Services, LLC

Hearing Site: Jacksonville, Florida

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████: Eric Litow, Esq., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent Wells Fargo Clearing Services, LLC: Nuviah Shirazi, Esq., Wells Fargo Law Department, St. Louis, Missouri.

CASE INFORMATION

Statement of Claim filed on or about: August 25, 2017.
Claimant signed the Submission Agreement: August 25, 2017.

Statement of Answer filed by Respondents on or about: November 1, 2017.
Respondent signed the Submission Agreement: October 19, 2017.

CASE SUMMARY

Claimant asserted the following cause of action: expungement.

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

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

In the Statement of Answer, Respondent did not object to the request for expungement.

OTHER ISSUES CONSIDERED AND DECIDED

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

The Arbitrator conducted a recorded telephonic hearing on March 15, 2018 so the parties could present oral argument and evidence on [REDACTED] request for expungement. Claimant withdrew his request for compensatory damages at the hearing.

The customers in the underlying claims referenced in occurrence # [REDACTED] and # [REDACTED] did not participate in the expungement hearing and did not contest the request for expungement. The Arbitrator determined that the customers received a copy of the Statement of Claim and received due notice of the expungement hearing and that the hearing would proceed without the customers present.

The Arbitrator reviewed the BrokerCheck® Report for [REDACTED] and the settlement documents for occurrence # [REDACTED] and considered Claimant's Affidavit for occurrence # [REDACTED] stating that no individual settlement agreement for the repurchase of the auction rate securities existed; but reviewed the terms of the Global Settlement Agreement, considered the amount of payments made to any party, and considered other relevant terms and conditions of the settlements. The Arbitrator noted that the settlements were not conditioned on the customers not opposing the request for expungement. The Arbitrator also noted that [REDACTED] did not contribute to the settlement amounts.

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: Claimant's pleadings and his testimony.

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] and # [REDACTED] from registration records maintained by the Central Registration Depository ("CRD"), for [REDACTED] (CRD # [REDACTED]), 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 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:

Allegations are factually impossible and clearly erroneous because Claimant: (a) did not make recommendations to customer PP regarding AXA Annuity; (b) made no representations to PP regarding Universal Life Policy; (c) represented to customer RB that Auction Rate Securities were highly liquid investments, accurate at the time of representation; and (d) had reasonable basis to believe that Auction Rate Securities were suitable for RB. Allegations are false because Claimant (a) accurately represented to customer PP the policy that best fit here needs and objectives; (b) the claim arose from sudden and unforeseen illiquidity of RB's Auction Rate Securities investment not from Claimant's representation.

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, Wells Fargo Clearing Services, LLC 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, 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: January 8, 2018	1 session

One (1) hearing session on expungement request @ \$50.00/session	= \$ 50.00
Hearing Date: March 14, 2018	1 session

Total Hearing Session Fees	= \$100.00
----------------------------	------------

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

Mitchel Weiss

-

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



Mitchel Weiss
Sole Public Arbitrator

4/17/18

Signature Date

April 17, 2018

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