

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

██████████

Case Number: ██████████

vs.

Respondent

First Allied Securities, Inc.

Hearing Site: Columbia, South Carolina

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

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

For Respondent First Allied Securities, Inc.: Jeremy Wooden, Esq., Cetera Financial Group, El Segundo, California.

CASE INFORMATION

Statement of Claim filed on or about: September 18, 2017.

Claimant signed the Submission Agreement: September 18, 2017.

Statement of Answer filed by Respondent on or about: November 9, 2017.

Respondent signed the Submission Agreement: November 8, 2017.

CASE SUMMARY

Claimant asserted the following cause of action: expungement.

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

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Numbers ██████████ and ██████████, and compensatory damages of \$1.00.

In the Statement of Answer, Respondent requested denial of all other relief requests and that all forum fees are assessed against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

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

The Arbitrator conducted a recorded telephonic hearing on April 24, 2018 so that the parties could present oral argument and evidence on Claimant's request for expungement.

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

On January 29, 2018, Claimant notified the customer in the underlying complaint for Occurrence Number [REDACTED] of his request for expungement and of her right to participate in the expungement hearing.

The customer in the underlying complaint for Occurrence Number [REDACTED] did not participate in the expungement hearing and did not oppose Claimant's expungement request.

The Arbitrator finds that the customer in the underlying complaint for Occurrence Number [REDACTED] does not desire to participate in the expungement hearing and that a decision on the merits of Claimant's request can be entered.

Claimant stated that the customers related to the underlying complaint for Occurrence Number [REDACTED] are deceased.

The Arbitrator reviewed Claimant's BrokerCheck® Report and noted that Claimant 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 testimony and exhibits.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, and the post-hearing submissions, 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 Number [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:

The customer was an elderly client who forgot that she had withdrawn money from her account. When her attorney was shown the account withdrawal records, the customer did not further pursue her complaint.

2. Claimant's request for expungement of Occurrence Number [REDACTED] denied.
3. Any and all claims for relief not specifically addressed herein, including compensatory damages, are 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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Respondent First Allied Securities, Inc. is assessed the following:

Member Surcharge	= \$ 150.00
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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 @ \$50.00/session		= \$ 50.00
Pre-hearing conference: January 16, 2018	1 session	

One (1) hearing session on expungement request @ \$50.00/session		= \$ 50.00
Hearing Date: April 24, 2018	1 session	

Total Hearing Session Fees		= \$100.00
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The Arbitrator has assessed the hearing session fees of \$100.00 to Claimant.

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

ARBITRATOR

Harry G. Mason

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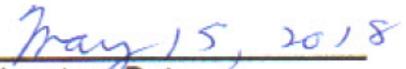
Sole Public Arbitrator

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



Harry G. Mason
Sole Public Arbitrator



Signature Date

May 16, 2018

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