

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

Case Number: [REDACTED]

vs.

Respondents

Hearing Site: Raleigh, North Carolina

J.P. Turner & Company, LLC
Park Avenue Securities LLC

Nature of the Dispute: Associated Person vs. Members

REPRESENTATION OF PARTIES

For Claimant [REDACTED]: Owen Harnett, Esq., AdvisorLaw, LLC,
Broomfield, Colorado.

For Respondent J.P. Turner & Company, LLC ("J.P. Turner"): David Smitham, Esq.,
Cetera Financial Group, New York, New York.

For Respondent Park Avenue Securities LLC ("Park Avenue"): Kristin L. Wynne, Esq.,
Park Avenue Securities, LLC, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: August 30, 2017.

[REDACTED] signed the Submission Agreement: August 30, 2017.

Statement of Answer filed by Respondent J.P. Turner & Company, LLC on or about:
October 19, 2017.

J.P. Turner & Company, L.L.C. signed the Submission Agreement: September 13,
2017.

Statement of Answer filed by Respondent Park Avenue Securities LLC on or about:
October 18, 2017.

Park Avenue Securities LLC signed the Submission Agreement: October 3, 2017.

CASE SUMMARY

Claimant asserted the following cause of action: expungement.

Unless specifically admitted in the Statement of Answer, Respondent J. P. Turner
asserted that it acted in good faith and pursuant to its regulatory reporting requirements.

In the Statement of Answer, Respondent Park Avenue asserted that it acted appropriately at all times in regards to the customer complaint at issue and complied with its reporting requirements pursuant to FINRA Rule 4530.

RELIEF REQUESTED

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

In the Statement of Answer, Respondent J. P. Turner noted it will defer to the Arbitrator's findings in the matter as to whether expungement should be granted, and requested denial of all other requests for relief, and an order that all forum costs are assessed against Claimant.

In the Statement of Answer, Respondent Park Avenue did not oppose Claimant's request for expungement and requested that the Arbitrator deny Claimant's request for compensatory damages.

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 17, 2018 so the parties could present oral argument and evidence on Claimant's request for expungement.

The customers in occurrence number [REDACTED] did not participate in the expungement hearing. 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 customers did not oppose Claimant's request for expungement.

Two of the customers in occurrence number [REDACTED] participated in the expungement hearing. The Arbitrator determined that the other 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 other customers present. The two customers who participated in the expungement hearing opposed Claimant's request for expungement. The other customers did not oppose Claimant's request for expungement.

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

The Arbitrator noted that Claimant [REDACTED] did not previously file a claim requesting expungement of occurrence numbers [REDACTED] and [REDACTED].

The Arbitrator reviewed the BrokerCheck® Report for Claimant [REDACTED] and the settlement documents related to occurrence number [REDACTED] considered the amount of payments made to the parties in the underlying complaints, and considered other relevant terms and conditions of the settlement. The Arbitrator noted that the settlement was not conditioned on the clients not opposing the request for expungement. The Arbitrator also noted that Claimant [REDACTED] did not contribute to the settlement amount.

In recommending expungement the Arbitrator relied upon the following documentary or other evidence: the pleadings; party submissions; testimony presented at the hearing and clients' objection to the request for expungement; Claimant's BrokerCheck® Report; and the Settlement Agreement related to occurrence number [REDACTED]

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 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 directives.

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 factually impossible or clearly erroneous.

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

Occurrence number [REDACTED]

The Claimant's testimony and documentation submitted supports the position taken by the Claimant under Rule 2080. Claimant testified that he met the industry requirement of "know your client", and met with the clients several times to determine their risk tolerance and income objectives, and discuss various life policy options. The Claimant testified that the client selected the Guardian Life Insurance policy they preferred, and received a prospectus from Guardian Life. Also, after the clients received the policy, they never contacted the Claimant to indicate their dissatisfaction with the policy.

2. The Arbitrator recommends the expungement of all reference 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 directives.

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:

Occurrence number [REDACTED]

The Claimant's testimony and documentation submitted supports the position taken by the Claimant under Rule 2080. Claimant and the two client witnesses testified that they became victims of a "ponzi scam" perpetuated by an unrelated third party. Claimant testified that he met with the two clients to determine their risk tolerance and investment objectives, and suggested they attend a seminar where an unrelated third party presented the investment product which later was determined to be a "ponzi scam". The investment product was reviewed by the client's CPAs and an attorney for one of the clients. The insurance and trust companies involved with the investment product performed their required due diligence. Claimant was not named as a Respondent and did not contribute to the settlement.

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 firms that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as parties, Respondents J.P. Turner & Company, LLC and Park Avenue Securities LLC are each 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: December 20, 2017 1 session

One (1) hearing session @ \$50.00/session =\$ 50.00
Hearing Date: April 17, 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

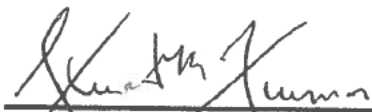
Stuart K. Furman

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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



Stuart K. Furman
Sole Public Arbitrator

5-23-18

Signature Date

May 23, 2018

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