

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

Northwestern Mutual Investment Services, LLC

Hearing Site: Indianapolis, Indiana

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████ (“Claimant” or ██████████): Owen Harnett, Esq., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent Northwestern Mutual Investment Services, LLC (“Respondent”): Thomas K. Anderson, Esq., Northwestern Mutual, Milwaukee, Wisconsin.

CASE INFORMATION

Statement of Claim filed on or about: December 13, 2017.

Claimant signed the Submission Agreement: December 13, 2017.

Statement of Answer filed on or about: January 29, 2018.

Respondent signed the Submission Agreement: January 29, 2018.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim seeking expungement of a customer complaint, Occurrence Number ██████████, from his registration records maintained by the Central Registration Depository (“CRD”).

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

RELIEF REQUESTED

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

In the Statement of Answer, Respondent requested that the Arbitrator deny Claimant’s claim for compensatory damages and that all forum or hearing fees related to this matter be assessed solely 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 June 26, 2018, so the parties could present oral argument and evidence on [REDACTED] request for expungement. Respondent participated in the expungement hearing and did not contest the request for expungement. On or about April 26, 2018, Claimant filed a copy of the death record and obituary of the customer in Occurrence Number [REDACTED]. The Arbitrator took judicial notice that the customer is deceased and could not participate in the hearing.

The Arbitrator reviewed [REDACTED] BrokerCheck® Report and found that there was not a settlement with respect to Occurrence Number [REDACTED]. The Arbitrator also found 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: Exhibit 2 (Becker Letter), Exhibits 3 through 5 (Notes Reports), Exhibit 6 (Annuity Application), Exhibit 9 (Annuity Plan Election), and Exhibit 11 (Annuity Prospectus).

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's request for \$1.00 in compensatory damages is denied.
2. The Arbitrator recommends the expungement of references to Occurrence Number [REDACTED] from the registration records maintained by the 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 of Arbitration Procedure ("Code"), the Arbitrator has made the following Rule 2080 affirmative finding of fact:

The claim, allegation, or information is false.

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

The evidence presented here established convincingly that Claimant explained fully and fairly the nature of the annuity product in question, as well as its fee

structure. The customer's complaint was therefore false within the intendment of Rule 2080.

3. Other than forum fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter.
4. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code, 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 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(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: April 10, 2018	1 session

One (1) hearing session on expungement request @ \$50.00/session	=\$ 50.00
Hearing Date: June 26, 2018	1 session

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

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

ARBITRATOR

Thomas F. Mahoney

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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

/s/ Thomas F. Mahoney

Thomas F. Mahoney
Sole Public Arbitrator

07/09/2018

Signature Date

07/09/2018

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

ARBITRATOR

Thomas F. Mahoney

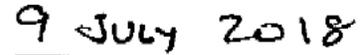
Sole Public Arbitrator

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



Thomas F. Mahoney
Sole Public Arbitrator



Signature Date

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