

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

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In the Matter of the Arbitration Between:

Claimant

██████████

Case Number: ██████████

vs.

Respondents

FSC Securities Corporation and  
VSR Financial Services, Inc.

Hearing Site: Des Moines, Iowa

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Nature of the Dispute: Associated Person vs. Members

**REPRESENTATION OF PARTIES**

For Claimant ██████████ (“Claimant”): Michael Bessette, Esq., HLBS Law, Westminster, Colorado and Docthor D. Kennedy, Esq., AdvisorLaw, Broomfield, Colorado.

For Respondent FSC Securities Corporation (“FSC”): Bradley A. Fishman, Esq., FSC Securities Corporation, Jersey City, New Jersey.

For Respondent VSR Financial Services, Inc. (“VSR”): Christina Vourakis, Esq., Cetera Financial Group, El Segundo, California.

**CASE INFORMATION**

Statement of Claim filed on or about: December 29, 2017.

Claimant signed the Submission Agreement: December 29, 2017.

Statement of Answer filed by FSC on or about: February 22, 2018.

FSC signed the Submission Agreement: February 22, 2018.

Statement of Answer filed by VSR on or about: February 22, 2018.

VSR signed the Submission Agreement: January 22, 2018.

**CASE SUMMARY**

Claimant asserted a claim seeking expungement of two customer complaints from her registration records maintained by the Central Registration Depository (“CRD”).

In the Statement of Answer, FSC did not oppose the request for expungement made in the Statement of Claim, deferred to the Arbitrator for decision concerning the requisite elements under FINRA Rule 2080, and asserted various affirmative defenses.

In the Statement of Answer, VSR did not oppose the request for expungement made in the Statement of Claim and deferred to the Arbitrator's findings.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of all references to Occurrence Numbers [REDACTED] and [REDACTED] ("underlying occurrences") from her CRD records, \$1.00 in compensatory damages, and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, FSC did not request relief.

In the Statement of Answer, VSR requested that the Arbitrator deny Claimant's request for \$1.00 in damages and that it be allowed to attend the expungement hearing telephonically.

At the close of the hearing, Claimant withdrew her request for \$1.00 in compensatory damages.

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

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

In letters dated May 29, 2018, Claimant provided notice of the Statement of Claim and the expungement hearing to the customers in the underlying occurrences, in compliance with the Initial Pre-Hearing Conference Order dated May 1, 2018. Claimant submitted an Affidavit of Service dated June 4, 2018, advising that the customers in the underlying occurrences had been served with the Statement of Claim.

The Arbitrator conducted a recorded telephonic hearing on August 28, 2018, so the parties could present oral argument and evidence on Claimant's request for expungement. FSC appeared at the expungement hearing and did not contest Claimant's request for expungement. VSR did not appear at the hearing.

The customers involved in the underlying occurrences did not participate in the expungement hearing.

### **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. [REDACTED] request for expungement of her CRD records is denied.
2. Any and all claims for relief not specifically addressed herein 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 firms that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as parties, FSC and VSR are each assessed the following:

#### FSC:

Member Surcharge	=\$ 150.00
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#### VSR:

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
May 1, 2018	1 session

One (1) hearing session on expungement request @ \$50.00/session	=\$ 50.00
Hearing Date: August 28, 2018	1 session

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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**

Michael J. Meeusen

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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**

*Michael Meeusen*

08/30/2018

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Michael J. Meeusen  
Sole Public Arbitrator

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Signature Date

08/30/18

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