

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

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In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

VSR Financial Services, Inc.

Hearing Site: Des Moines, Iowa

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

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

For Respondent VSR Financial Services, Inc. (“Respondent” or VSR”): Jeremy Carr, Esq., Cetera Financial Group, El Segundo, California.

**CASE INFORMATION**

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

██████████ signed the Submission Agreement: December 13, 2017.

Statement of Answer filed on or about: February 1, 2018.

VSR signed the Submission Agreement: January 22, 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 denied any allegations of wrongdoing. Respondent took no position on the request for expungement of Occurrence Number ██████████, but objected to Claimant’s demand for monetary damages in the amount of one dollar (\$1.00).

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement, 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 requested a statement from the Arbitrator on the issue of whether to order recommending that the customer complaint be expunged from [REDACTED] CRD records in the form required by FINRA Rule 2080, denial of Claimant's request for \$1.00 in compensatory damages, and that all forum costs be assessed against Claimant.

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

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

On or about February 28, 2018, the parties filed a Joint Stipulation and [Proposed] Order regarding Liability, Damages, Discovery, and Hearing Participation by VSR ("Joint Stipulation and Proposed Order"). During the Initial Pre-Hearing Conference ("IPHC") held on April 16, 2018, the parties and Arbitrator discussed the Joint Stipulation and Proposed Order. On or about April 17, 2018, as an attachment to the IPHC Order, the Arbitrator submitted the executed, Joint Stipulation and Order, as modified pursuant to the agreement of the parties and Arbitrator. One of the terms of the Joint Stipulation and Order was that Claimant would not seek damages from Respondent.

On or about August 15, 2018, the customer filed a written submission objecting to the expungement request.

The Arbitrator conducted a recorded, telephonic hearing on August 21, 2018, for the presentation of testimony and evidence on [REDACTED] request for expungement. VSR did participate in the expungement hearing and did not contest the request for expungement.

### **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. [REDACTED] request for expungement of his CRD records is denied.
2. Any and all claims for relief not specifically addressed herein are denied.



**ARBITRATOR**

M. W. Gear

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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**

*M. W. Gear*

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M. W. Gear  
Sole Public Arbitrator

*8/31/18*

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Signature Date

August 31, 2018

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