

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

██████████

Case Number: ██████████

vs.

Respondent

Tucker Anthony Incorporated

Hearing Site: Hartford, Connecticut

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████: Chris Cummins, Esq., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent Tucker Anthony Incorporated: Frank J. Cuccio, Esq., Bressler Amery and Ross, P.C., Florham Park, New Jersey.

CASE INFORMATION

Statement of Claim filed on or about: January 26, 2018.

██████████ signed the Submission Agreement: January 26, 2018.

Statement of Answer filed by Respondent on or about: April 5, 2018.

Tucker Anthony Incorporated signed the Submission Agreement: April 5, 2018.

CASE SUMMARY

Claimant asserted the following causes of action: expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested

- a. expungement of occurrence number ██████████ from his CRD records pursuant to FINRA Rule 2080(b)(1)(A), as the claims, allegations, or information is factually impossible or clearly erroneous.
- b. expungement of occurrence number ██████████ from his CRD record pursuant to FINRA Rule 2080(b)(1)(C), as the claim, allegation, or information is false.

- c. an award of compensatory damages in the amount of \$1.00 from the Respondent; and
- d. any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer Respondent did not oppose Claimant's claim, has no objection to the relief sought by Claimant and consents to an award in favor of Claimant consistent with the relief he seeks.

OTHER ISSUES CONSIDERED AND DECIDED

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

Claimant provided FINRA Office of Dispute Resolution with proof that he notified the customers related to occurrence number [REDACTED] of the expungement request and of their right to participate and testify at the expungement hearing and included a copy of the Statement of Claim with the notice.

The Arbitrator conducted a recorded telephonic hearing on July 31, 2018 and August 22, 2018 so the parties could present oral argument and evidence on Claimant's request for expungement.

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

The customer(s) did not participate in the expungement hearing and did not contest the request for expungement.

In recommending expungement the Arbitrator relied upon the following documentary or other evidence: Claimant's Statement of Claim, Respondent's Statement of Answer [REDACTED] BrokerCheck® Report, Federal Court Transcript, Claimant's letter dated August 16, 2018, the Award related to arbitration matter [REDACTED] and the testimony and evidence presented at the expungement hearing.

The Arbitrator noted that [REDACTED] did not previously file a claim requesting expungement of the same disclosure in the CRD.

The parties present at the hearing have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

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. Claimant's request for compensatory damages is denied.
2. The Arbitrator recommends the expungement of all references to occurrence number [REDACTED] from registration records maintained by the Central Registration Depository ("CRD"), for [REDACTED] (CRD#[REDACTED]), with the understanding that, pursuant to Notice to Members 04-16, [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; the registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds; and the claim, allegation, or information is false.

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

Claimant has been in the finance industry for some 25 years. No complaints have previously been made against him. [REDACTED] made recommendations that were approved by the customer (wife). The customers were aware of the industry standard requirement to obtain funds from the account and the specific requirement of [REDACTED] required not only a letter of authorization from the custodian, but also documentation since he felt that these requests were for customary parental expenses. Documentation for all withdrawals from the accounts for the customers' two daughters were provided and required by [REDACTED]. All funds transferred out of the account were made out to customer (wife) by Tucker Anthony, Inc., but [REDACTED] was not pleased with the payments. The legal issues in this entire matter were the result of the customer's (husband) fraudulent and criminal activities that resulted in his being sent to federal prison.

3. Any and all claims for relief not specifically addressed herein are denied.

ARBITRATOR

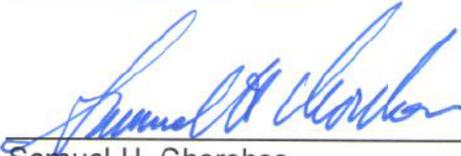
Samuel H. Chorches

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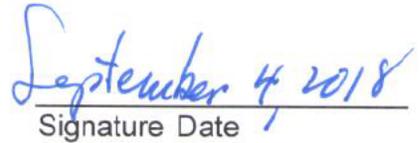
Sole Public Arbitrator

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



Samuel H. Chorches
Sole Public Arbitrator



Signature Date

September 5, 2018

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