

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

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In the Matter of the Arbitration Between:

Claimant

██████████

Case Number: ██████████

vs.

Respondent

Citigroup Global Markets, Inc.

Hearing Site: Chicago, Illinois

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant ██████████ ("Claimant"): Eric Litow, Esq., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent Citigroup Global Markets, Inc. ("Respondent"): David I. Hantman, Esq., Bressler, Amery & Ross, PC, New York, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: February 27, 2018.  
Claimant signed the Submission Agreement: February 27, 2018.

Statement of Answer filed on or about: April 19, 2018.  
Respondent signed the Submission Agreement: April 4, 2018.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim seeking expungement of two customer complaints, Occurrence Numbers ██████████ and ██████████, from his registration records maintained by the Central Registration Depository ("CRD").

In the Statement of Answer, Respondent denied any allegations of wrongdoing. Respondent did not oppose the requests for expungement of Occurrence Numbers ██████████ and ██████████.

**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 the Arbitrator deny Claimant's request for damages and assess all other fees associated with this matter solely against Claimant.

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

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

At the Initial Pre-Hearing Conference held on June 27, 2018, the Arbitrator requested that Claimant address Rule 13206 of the Code of Arbitration Procedure ("Code") during the expungement hearing. On or about August 24, 2018, Claimant filed a FINRA Rule 13206 Memorandum. No response was filed.

On or about August 11, 2018, customer J.M. for Occurrence Number [REDACTED] filed correspondence in response to notice of the expungement request stating that he would not be available to attend the expungement hearing and requested that Claimant's counsel provide notice of the Arbitrator's ruling. The customer for Occurrence Number [REDACTED] did not file a written submission.

The Arbitrator conducted a recorded, telephonic hearing on September 5, 2018, for the presentation of testimony and evidence on Claimant's requests for expungement. Respondent did participate in the expungement hearing, but did not contest the requests for expungement. None of the customers participated in the expungement hearing.

On the record at the expungement hearing, Claimant withdrew his request for \$1.00 in compensatory damages.

### **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 requests for expungement of his CRD records are denied.
2. 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

**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: June 27, 2018 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00  
Hearing Date: September 5, 2018 1 session

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Total Hearing Session Fees = \$ 100.00

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**

Jonathan B. Gilbert

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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**



Jonathan B. Gilbert  
Sole Public Arbitrator



Signature Date

September 8, 2018

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