

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

██████████

Case Number: ██████████

vs.

Respondent

Ameriprise Financial Services, Inc.

Hearing Site: Wilmington, Delaware

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████ Docthor Kennedy, MBA, JD, and Christopher Cummins, Esq., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent Ameriprise Financial Services, Inc.: Howard M. Klausmeier, Esq., Ameriprise Financial Services, Inc., Minneapolis, Minnesota.

CASE INFORMATION

Statement of Claim filed on or about: January 10, 2018.
Claimant signed the Submission Agreement: January 10, 2018.

Statement of Answer filed by Respondent on or about: March 8, 2018
Respondent signed the Submission Agreement: March 8, 2018.

CASE SUMMARY

Claimant asserted the following cause of action: expungement.

In the Statement of Answer, Respondent did not oppose Claimant's expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Number ██████████ from his CRD records, compensatory damages of \$1.00, and any and all other relief deemed just and equitable.

In the Statement of Answer, Respondent requested that the request for compensatory damages be denied and that all fees and 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.

The Arbitrator conducted a recorded telephonic hearing on September 6, 2018 so that the parties could present oral argument and evidence on Claimant's request for expungement.

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

On August 3, 2018, Claimant notified the customer in the underlying complaint of his request for expungement and of his right to participate in the expungement hearing and also provided the customer with a copy of the Statement of Claim.

The customer in the underlying complaint did not participate in the expungement hearing but on August 16, 2018, submitted an opposition to Claimant's request for expungement.

The Arbitrator finds that the customer does not desire to participate in the expungement hearing and that a decision on the merits of Claimant's request can be entered.

The Arbitrator reviewed Claimant's Investment Adviser Representative Public Disclosure Report. There is no BrokerCheck® Report available for Claimant.

The Arbitrator noted that Claimant 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: the pleadings, Claimant's testimony and the exhibits.

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. The Arbitrator recommends the expungement of all references to Occurrence Number [REDACTED] from registration records maintained by the Central Registration Depository ("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, the Arbitrator has made the following Rule 2080 affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous; and the claim, allegation, or information is false.

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

Claimant thoroughly explained the provisions of the policy sold to the customer and there was no misrepresentation of any material fact.

2. Any and all claims for relief not specifically addressed herein, including compensatory damages, are denied.

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 Ameriprise Financial Services, Inc. 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, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session @ \$50.00/session	= \$ 50.00
Pre-hearing conference: May 7, 2018	1 session

One (1) hearing session on expungement request @ \$50.00/session	= \$ 50.00
Hearing Date: September 6, 2018	1 session

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

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

ARBITRATOR

Steven T. Stern

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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



Steven T. Stern
Sole Public Arbitrator

9/7/18

Signature Date

September 10, 2018

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