

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

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In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

Wells Fargo Clearing Services, LLC

Hearing Site: Los Angeles, California

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant ██████████ (“Claimant”): Dochter Kennedy, J.D. MBA, and Harris Freedman, Esq., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent Wells Fargo Clearing Services, LLC (“Respondent”): Judy Louie, Esq., Wells Fargo Law Department, Pasadena, California.

**CASE INFORMATION**

Statement of Claim filed on or about: December 21, 2017.

Claimant signed the Submission Agreement: December 21, 2017.

Statement of Answer filed by Respondent on or about: February 26, 2018.

Respondent signed the Submission Agreement: February 26, 2018.

**CASE SUMMARY**

Claimant asserted a claim seeking expungement of two customer complaints, occurrence numbers ██████████ and ██████████ (“Underlying Complaints”) from his Central Registration Depository (“CRD”) records.

In the Statement of Answer, Respondent advised that it has no objection or opposition to Claimant’s request for expungement as long as Respondent is not required to take any action; FINRA fees and costs associated with the expungement request are paid by Claimant.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested:

1. Expungement of the Underlying Complaints from his CRD record pursuant to

- FINRA Rule 2080(b)(1)(A), as the claim, allegation, or information is factually impossible or clearly erroneous;
2. Expungement of the Underlying Complaints from his CRD record pursuant to FINRA Rule 2080(b)(1)(C), as the claim, allegation, or information is false;
  3. Damages in the amount of \$1.00 from Respondent; and
  4. Any and other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent did not set forth a specific relief request.

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

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

On July 11, 2018, Claimant provided notice that the Statement of Claim and notice of the expungement hearing was served on the customers in occurrence number [REDACTED] ("Mr. B") and the customer in occurrence number [REDACTED], hereinafter collectively referred to as "Customers."

On July 12, 2018, Claimant submitted an Affidavit of Service signed by Claimant's counsel advising that the Customers were served with the Statement of Claim.

On July 24, 2018, Mr. B submitted a Rebuttal to Statement of Claim in which he opposed Claimant's request for expungement.

The Arbitrator conducted a recorded telephonic hearing on September 7, 2018 so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent appeared at the hearing and, as indicated in the Statement of Answer, did not oppose Claimant's request for expungement. Mr. B participated in the hearing and opposed Claimant's request for expungement.

At the evidentiary hearing, Claimant withdrew his request for \$1.00 in damages against Respondent.

The parties present at the hearing have agreed 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 expungement of his 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 ("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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge	=\$ 150.00
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### Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

August 15, 2018, postponement by Claimant	=\$50.00
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Total Postponements Fees	=\$50.00
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The Arbitrator has assessed \$50.00 of the postponement fees to Claimant.

### Last Minute Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within ten calendar days before the start of a scheduled hearing session:

August 15, 2018, postponement by Claimant	=\$600.00
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Total Last Minute Cancellation Fees	=\$600.00
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The Arbitrator has assessed \$600.00 of the last minute cancellation fees to Claimant.

### 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: April 23, 2018	1 session

One (1) hearing session on expungement request @ \$50.00/session = \$50.00  
Hearing Date: September 7, 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**

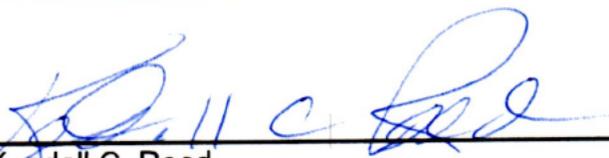
Kendall C. Reed

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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**

  
\_\_\_\_\_  
Kendall C. Reed  
Sole Public Arbitrator

9/23/18  
\_\_\_\_\_  
Signature Date

September 24, 2018  
Date of Service (For FINRA Office of Dispute Resolution office use only)