

- impossible or clearly erroneous;
2. Expungement of the Underlying Complaints from his CRD record pursuant to FINRA Rule 2080(b)(1)(C), as the claims, allegations, or information is false;
 3. Damages in the amount of \$1.00 from the Respondent; and
 4. Any and all 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 August 10, 2018, Claimant provided notice that the Statement of Claim and notice of the expungement hearing was served on the following: the customer in occurrence number [REDACTED] ("Mr. G"); the customer in occurrence number [REDACTED] ("Ms. B"); and the customer in occurrence number [REDACTED] ("Mr. C"). Hereinafter, Mr. G, Ms. B, and Mr. C are collectively referred to as "Customers."

On August 21, 2018, Claimant submitted an Affidavit of Service signed by Claimant's counsel advising that the Customers were served with the Statement of Claim.

The Arbitrator conducted a recorded telephonic hearing on September 10, 2018 so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent did not participate in the expungement hearing. The Arbitrator found that at both the Initial Pre-Hearing Conference and in Respondent's Statement of Answer, Respondent's representative, Mr. Klimas, stated that Respondent agreed with Claimant that the Underlying Complaints should be expunged from Claimant's CRD records, as Respondent had investigated the Underlying Complaints and found them to be without merit.

The Arbitrator found that the Customers were provided with the Statement of Claim and informed of their right to participate in the expungement hearing by testifying, presenting evidence and/or conducting cross-examination. None of the Customers chose to do so.

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

The Arbitrator reviewed the BrokerCheck® Report for Claimant. The Arbitrator noted that there were no settlements in the Underlying Complaints.

The Arbitrator noted that Claimant did not previously file a claim requesting expungement of the same disclosures in the CRD.

In recommending expungement the Arbitrator relied upon the following documentary or other evidence: Claimant's testimony and the arguments found in the Statement of Claim, both of which were found to be credible. Weight was also given to the stance of both Respondent, who denied the Underlying Complaints, and Claimant's former

supervisor, who participated in the expungement hearing. Once the Underlying Complaints were denied by Respondent, the Customers did not pursue any further action.

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. The Arbitrator recommends the expungement of all references to the Underlying Complaints, occurrence numbers [REDACTED], [REDACTED], and [REDACTED], from registration records maintained by the 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 of Arbitration Procedure ("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:

Occurrence Number [REDACTED] (Mr. G)

Mr. G's claim that he did not approve the collateralized mortgage obligation ("CMO") bond he invested in is clearly erroneous, factually impossible, and false. The underlying investment was self-directed by Mr. G. This, therefore, meets both the FINRA Rule 2080(b)(1)(A) and the Rule 2080(b)(1)(C) standards for expungement. Since Mr. G approved the purchase of the CMO and actually chose the investment himself, and an investigation by Respondent denied the claim, this customer complaint is false and misleading. At the expungement hearing, Claimant's supervisor at the time of Mr. G's complaint verified the facts presented in the case to be accurate.

Occurrence Number [REDACTED] (Ms. B)

Ms. B complained that the transactions in her account were unauthorized. This is inaccurate and furthermore Ms. B received a confirmation of any trade in her account as well as monthly statements reflecting those trades. Respondent's

investigation resulted in a finding of denial of the claim. This, therefore, meets both the FINRA Rule 2080(b)(1)(A) and the Rule 2080(b)(1)(C) standards for expungement. Since Ms. B actually chose the investment herself and an investigation by Respondent denied the claim, this customer complaint is false and misleading. At the expungement hearing, Claimant's supervisor at the time of Ms. B's complaint verified the facts presented in the case to be accurate.

Occurrence Number [REDACTED] (Mr. C)

Mr. C was a manager at Verizon, who transferred his Verizon stock over to Respondent and into an IRA. Mr. C later alleged in June of 2009 (the midst of a severe reversal in financial markets) that Claimant (who had left Respondent in September of 2008 and, thus, Mr. C was no longer his customer) failed to adjust Mr. C's position and his principal declined in value. Based on the testimony from Claimant, the Arbitrator found that Mr. C was not looking for advice or adjustments on his account, he was just parking the investments and the account was self-directed. This claim was denied by Respondent and is clearly erroneous, factually impossible, and false and, therefore, meets both FINRA Rules 2080(b)(1)(A) and 2080(b)(1)(C) standards for expungement.

In conclusion, expungement is recommended in each of the Underlying Complaints as the necessary standards of FINRA Rules 2080(b)(1)(A) and (C) were met and, therefore, to have the Underlying Complaints remain on Claimant's CRD record serves no meaningful investor protection of regulatory value.

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

**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

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: July 31, 2018	1 session

One (1) hearing session on expungement request @ \$50.00/session	= \$50.00
Hearing Date: September 10, 2018	1 session

Total Hearing Session Fees	= \$100.00
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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

Michael Lancaster Garcia

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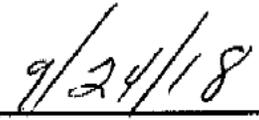
Sole Public Arbitrator

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



Michael Lancaster Garcia
Sole Public Arbitrator



Signature Date

September 27, 2018
Date of Service (For FINRA Office of Dispute Resolution office use only)