

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

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In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

Ameriprise Financial Services, Inc.

Hearing Site: Oklahoma City, Oklahoma

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant ██████████ (“Claimant”): Harris Freedman, Esq., HLBS Law, Westminster, Colorado and Dochter Kennedy, Esq., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent Ameriprise Financial Services, Inc. (“Respondent”): Howard M. Klausmeier, Esq., Ameriprise Financial Services, Inc., Troy, Michigan.

**CASE INFORMATION**

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

Statement of Answer filed on or about: March 5, 2018.  
Respondent signed the Submission Agreement: March 5, 2018.

**CASE SUMMARY**

Claimant asserted a claim seeking expungement of a customer complaint (“Customer Complaint”) from his registration records maintained by the Central Registration Depository (“CRD”).

In the Statement of Answer, Respondent concurred with Claimant’s request for expungement.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of Occurrence Number ██████████, an award of \$1.00 in compensatory damages, and any and all other relief the Arbitrator deems just and appropriate.

In the Statement of Answer, Respondent requested that an award be issued that recommends the expungement of the Customer Complaint from Claimant's CRD registration records, that Claimant's request for compensatory damages of \$1.00 be denied, and that the costs and fees of this matter be assessed to Claimant in accordance with the applicable FINRA Rules.

At the close of the hearing, Claimant withdrew his request for \$1.00 in compensatory damages.

### **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 12, 2018, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent submitted notice of the expungement hearing and the Statement of Claim to the customer in the Customer Complaint ("Customer") on or about August 13, 2018.

Respondent submitted an Affidavit of Service of the Statement of Claim to the Customer dated August 21, 2018 ("Affidavit of Service").

The Customer did not participate in the expungement hearing.

The Arbitrator reviewed Claimant's BrokerCheck® Report. The Arbitrator found that there was not a settlement relating in the Customer Complaint. Accordingly, the Arbitrator did not review any settlement documents.

The Arbitrator found 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 Statement of Claim, Claimant's BrokerCheck® Report, and the Affidavit of Service to the Customer.

### **AWARD**

After considering the pleadings, the testimony, and the 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 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:

Claimant's undisputed testimony showed that there were no surrender charges, no taxes paid by the Customer, no settlement was made or entered, and the Customer is still a client of Claimant.

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
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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(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 @ \$450.00/session	= \$ 450.00
Pre-hearing conference: May 7, 2018	1 session

One (1) hearing session on expungement request @ \$450.00/session	= \$ 450.00
Hearing Date: September 12, 2018      1 session	
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Total Hearing Session Fees	= \$ 900.00

The Arbitrator has assessed \$900.00 of the hearing session fees to Claimant.

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

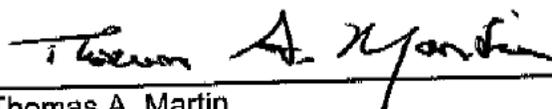
**ARBITRATOR**

Thomas A. Martin

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**

  
\_\_\_\_\_  
Thomas A. Martin  
Sole Public Arbitrator

9-28-18  
Signature Date

09/28/18

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