

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

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In the Matter of the Arbitration Between:

Claimant

Case Number: [REDACTED]

vs.

Respondent

Hearing Site: Chicago, Illinois

Citigroup Global Markets, Inc.

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant [REDACTED] ("Claimant"): Dochter Kennedy, Esq., and Christopher Cummins, Esq., AdvisorLaw, LLC, Broomfield, Colorado.

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

**CASE INFORMATION**

Statement of Claim filed on or about: March 2, 2018.  
Claimant signed the Submission Agreement: March 2, 2018.

Statement of Answer filed on or about: May 8, 2018.  
Respondent signed the Submission Agreement: May 10, 2018.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim seeking expungement of four (4) customer complaints ("Underlying Complaints"), Occurrence Numbers [REDACTED] [REDACTED] from his registration records maintained by the Central Registration Depository ("CRD").

In the Statement of Answer, Respondent denied any allegation of wrongdoing, stated that it did not oppose the requested expungement relief, and objected to Claimant's request for compensatory damages.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of the Underlying Complaints from his records maintained by the CRD, \$1.00 in compensatory damages, and any and all other relief that the Arbitrator deems just and equitable. In the Statement of Answer, Respondent requested that Claimant's request for \$1.00 in

compensatory damages be denied and that all other fees associated with this matter be assessed solely against Claimant.

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 recorded, telephonic hearings on October 1-2, 2018, so the parties could present oral argument and evidence on Claimant's requests for expungement.

Respondent participated in the expungement hearing but did not contest the requests for expungement.

### **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. Claimant's request for expungement of the Underlying Complaints from his CRD records is denied.
2. Any and all claims for relief not specifically addressed herein are denied.
3. Other than forum fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter.

### **FEES**

Pursuant to the Code of Arbitration Procedure, 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, 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 with a single arbitrator @ \$50.00/session = \$ 50.00  
Pre-hearing conference: June 26, 2018 1 session

Two (2) hearing sessions on expungement request @ \$50.00/session = \$ 100.00  
Hearing Date: October 1, 2018 1 session  
October 2, 2018 1 session

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Total Hearing Session Fees = \$ 150.00

The Arbitrator has assessed \$150.00 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**

*/s/ Jonathan B. Gilbert*

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Jonathan B. Gilbert  
Sole Public Arbitrator

*October 16, 2018*

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Signature Date

October 16, 2018

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