

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

██████████

Case Number: ██████████

vs.

Respondent

Ameriprise Financial Services

Hearing Site: Montpelier, Vermont

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████: Dochter Kennedy, Esq., and Harris Freedman, Esq., AdvisorLaw LLC, Broomfield, Colorado.

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

CASE INFORMATION

Statement of Claim filed on or about: April 24, 2018.

Claimant signed the Submission Agreement: April 24, 2018.

Statement of Answer filed by Respondent on or about: June 15, 2018.

Respondent signed the Submission Agreement: June 15, 2018.

CASE SUMMARY

Claimant asserted the following cause of action: expungement.

Respondent had no objection and concurred with Claimant's request for expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of occurrence numbers ██████████, ██████████, and ██████████, compensatory damages in the amount of \$1.00, and any and all other relief that the Arbitrator deems just and proper.

In the Statement of Answer Respondent requested that an Award be issued that recommends the expungement of the subject customer complaints from Claimant's CRD records.

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 October 4, 2018 so the parties could present oral argument and evidence on Claimant's request for expungement.

Claimant provided the Arbitrator with proof that she served the customers in the aforementioned occurrence numbers in the underlying complaints with notice of her expungement request and notice of the customers' right to participate and testify at the expungement hearing.

The customers did not participate in the expungement hearing and did not contest the request for expungement.

The Arbitrator determined that the customers received due notice of the expungement hearing.

The Arbitrator reviewed the BrokerCheck® Report for Claimant. The Arbitrator considered the amount of payments made to the customer in occurrence number [REDACTED]. The Arbitrator also noted that Claimant [REDACTED] did not contribute to the settlement amount for occurrence number [REDACTED], the only complaint to have settled. The Arbitrator relied on the testimony of Claimant, her attorney's sworn testimony, Affidavit, and her BrokerCheck® Report that she did not contribute to the settlement amount in occurrence number [REDACTED] and was unable to locate the Settlement Agreement. The Arbitrator noted that without the Settlement Agreement he could not confirm it was not conditioned on the customer not opposing the request for expungement. The Arbitrator granted expungement because an internal processing error was the cause of the delay, not the Broker, and the payment amount by the Broker Dealer was nominal.

The Arbitrator noted that Claimant did not previously file a claim requesting expungement of the same disclosures in the CRD pursuant to the sworn testimony of Claimant and her attorney.

In recommending expungement the Arbitrator relied upon the following documentary or other evidence: Claimant's testimony and the pleadings.

AWARD

After considering the pleadings, the testimony and evidence presented at the recorded hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claim for compensatory damages is denied.
2. 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:

The customer claimed that [REDACTED] recommended inappropriate variable annuities and did not disclose surrender charges and fees. In fact, the annuities and all the costs associated with them had been properly explained and were appropriate for the customer, who was an experienced investor. The reason for the requested liquidation was a change in the financial circumstances of the customer and not in any way due to the conduct of [REDACTED].

3. 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:

The customer claimed that [REDACTED] delayed the processing of liquidation of her joint account with her deceased husband. In fact, the delay was due to an internal processing error of Ameriprise Financial Services, which it admitted, and was in no way due to [REDACTED] conduct.

4. 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] 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:

The customer claimed that [REDACTED] delayed the liquidation of his account. In fact, the delay was due to the fact that the customer had not properly requested the liquidation with a licensed person, as required. As soon as was possible, [REDACTED] processed the request.

5. Any and all claims for relief not specifically addressed herein are denied.

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, 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 with a single arbitrator @ \$50.00/session	=\$ 50.00
Pre-hearing conference: July 25, 2018	1 session

One (1) hearing session on expungement request @ \$50.00/session	=\$ 50.00
Hearing Date: October 4, 2018	1 session

Total Hearing Session Fees	=\$100.00
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The Arbitrator has assessed the \$100.00 hearing session fee 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

10/20/18

Signature Date

October 22, 2018

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