

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

Lincoln Financial Advisors Corporation

Hearing Site: Minneapolis, Minnesota

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████ (“Claimant”): Dochter Kennedy, Esq. and Erica Harris, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Lincoln Financial Advisors Corporation (“Respondent”): Kyle B. Osting, Esq., The Lincoln National Life Insurance Company, Fort Wayne, Indiana.

CASE INFORMATION

Statement of Claim filed on or about: January 4, 2018.
Claimant signed the Submission Agreement: January 4, 2018.

Statement of Answer filed by Respondent on or about: March 13, 2018.
Respondent signed the Submission Agreement: March 13, 2018.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim seeking expungement of a customer complaint, Occurrence Number ██████████, (the “Complaint”) from his registration records maintained by the Central Registration Depository (“CRD”).

In the Statement of Answer, Respondent did not contest expungement.

RELIEF REQUESTED

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

In the Statement of Answer, Respondent stipulated to the request for expungement.

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

OTHER ISSUES CONSIDERED AND DECIDED

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

On or about September 10, 2018, Claimant filed a copy of the letter sent to the customer for Occurrence Number [REDACTED] (the "Customer"), providing him with the Statement of Claim, notice of the expungement hearing date and time, and the option to participate in the expungement hearing. On or about October 3, 2018, Claimant filed an Affidavit of Service for the letter sent to the Customer.

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

Respondent did participate in the expungement hearing but did not contest the request for expungement. The Customer did not participate in the expungement hearing.

On record at the hearing, the Arbitrator requested post hearing submissions from both parties. In an Order, dated October 10, 2018, the Arbitrator gave the parties until October 17, 2018 to respond. On or about October 10, 2018, Claimant submitted documents for the Arbitrator's consideration. On or about October 16, 2018, Respondent submitted documents for the Arbitrator's consideration.

In an Order, dated October 22, 2018, the Arbitrator requested an additional post hearing submission from Claimant. On or about October 24, 2018, Claimant submitted a document for the Arbitrator's consideration.

The Arbitrator reviewed the BrokerCheck® Report for Claimant.

The Arbitrator noted that the Complaint was not settled and, therefore, there was no settlement document to review.

The Arbitrator noted 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: Claimant's testimony; the Complaint (dated July 18, 2009), Respondent's reply to the Complaint, reflecting the results of its investigation (dated September 28, 2009); and Claimant's detailed, written statement regarding the Complaint (dated August 13, 2009).

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions, 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 above-captioned arbitration from registration records maintained by the CRD, for Claimant [REDACTED] (CRD# [REDACTED]), with the understanding that, pursuant to Notice to Members 04-16, Claimant 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 finding of fact:

The claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 finding based on the following reasons:

The Complaint arises in the context of the economic turmoil in 2008. The Complaint is quite terse and vague. Respondent investigated the Complaint, such as it was, and sent a letter to the Customer denying the Complaint. The Customer appeared satisfied with the resolution, took no further action on the Complaint, and continued a relationship with Respondent using another broker. The evidence shows that the Customer was quite an experienced investor, who had experience with this type of investment and who communicated with Claimant on a regular basis. Claimant provided information about the risks involved with each investment. The Customer was a careful investor who demanded a lot of attention from Claimant and who carefully reviewed all documents before investing. With the help of Claimant, the Customer, in fact, had developed a well-diversified portfolio that substantially increased over the years they worked together. The portfolio did suffer some loss during the downturn in 2008 but performed well in comparison to most other investment portfolios that year. The vague Complaint is false. Continuing to list this Complaint on Claimant's registration records may well mislead the public into believing Claimant may have acted improperly. Expunging the Complaint is in the best interest of the public and Claimant.

2. 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

**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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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 2, 2018	1 session

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

Total Hearing Session Fees	= \$ 100.00
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The Arbitrator has assessed the \$100.00 hearing session fees to Claimant.

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

ARBITRATOR

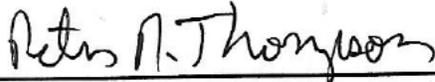
Peter N. Thompson

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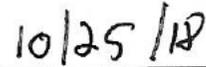
Sole Public Arbitrator

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



Peter N. Thompson
Sole Public Arbitrator



Signature Date

October 26, 2018

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