

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondents

Alamo Capital
FSC Securities Corporation

Hearing Site: San Diego, California

Nature of the Dispute: Associated Person vs. Members

REPRESENTATION OF PARTIES

For Claimant ██████████ (“Claimant”): Dochter Kennedy, J.D., MBA, and Eric Litow, Esq., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent Alamo Capital (“Alamo”): Allison Kent-Aster, CCO, Alamo Capital, Walnut Creek, California.

For Respondent FSC Securities Corporation (“FSC”): Bradley A. Fishman, Esq., FSC Securities Corporation, Jersey City, New Jersey.

Hereinafter, Alamo and FSC are collectively referred to “Respondents.”

CASE INFORMATION

Statement of Claim filed on or about: April 6, 2018.

Claimant signed the Submission Agreement: April 6, 2018.

Answer to the Statement of Claim filed by Alamo on or about: May 24, 2018.

Alamo signed the Submission Agreement: May 21, 2018.

Statement of Answer filed by FSC on or about: May 29, 2018.

FSC signed the Submission Agreement: May 29, 2018.

CASE SUMMARY

Claimant asserted a claim seeking expungement of three customer disputes (“Underlying Claims”) from his Central Registration Depository (“CRD”) records: two

customer complaints, occurrence numbers [REDACTED] and [REDACTED]; and a NASD Arbitration, occurrence number [REDACTED].

In its Answer to the Statement of Claim, Alamo opposed Claimant's request for expungement on several grounds, including but not limited to, Rule 13206(a) of the Code of Arbitration Procedure ("Code").

In its Statement of Answer, FSC advised that it will not oppose Claimant's request for expungement and asserted various affirmed defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Expungement of the Underlying Claims from his CRD record pursuant to FINRA Rule 2080(b)(1)(A), as the claim, allegation, or information is factually impossible or clearly erroneous;
2. Expungement of the Underlying Claims from his CRD record pursuant to FINRA Rule 2080(b)(1)(C), as the claim, allegation, or information is false;
3. Damages in the amount of \$1.00 from Respondents; and
4. Any and all other relief that the Arbitrator deems just and equitable.

In their respective Statements of Answer, neither Alamo nor FSC 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.

By letter dated May 31, 2018, FINRA Office of Dispute Resolution ("ODR") advised the parties that the Director of FINRA ODR determined that Claimant's request for expungement of occurrence number [REDACTED] is not eligible for arbitration, as it arises from a prior adverse Award. Accordingly, pursuant to Rule 13203(a) of the Code, the forum was denied as to occurrence number [REDACTED]. The letter further advised that the case will proceed as occurrence numbers [REDACTED] and [REDACTED].

On September 20, 2018, Claimant submitted an affidavit signed by Claimant's counsel, advising that counsel was unable to narrow the search parameters to locate any information on the customers in the Underlying Claims ("Customers") and therefore was unable to serve the Customers with a copy of the Statement of Claim.

The Arbitrator conducted a recorded telephonic hearing on October 23, 2018 so the parties could present oral argument and evidence on Claimant's request for expungement.

Neither Respondents nor the Customers participated in the expungement hearing.

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. Claimant's request for expungement of occurrence numbers [REDACTED] and [REDACTED] from his CRD records is denied.
2. Claimant's request for \$1.00 in damages is denied.
3. 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 ODR 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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute.

Accordingly, as a party, Alamo is assessed the following:

Member Surcharge	= \$ 150.00
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Accordingly, as a party, FSC 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: August 3, 2018	1 session

One (1) hearing session on expungement request @ \$50.00/session	= \$50.00
Hearing Date: October 23, 2018	1 session

Total Hearing Session Fees =\$100.00

The Arbitrator has assessed \$100.00 of the hearing session fees to Claimant.

All balances are payable to FINRA ODR and are due upon receipt.

ARBITRATOR

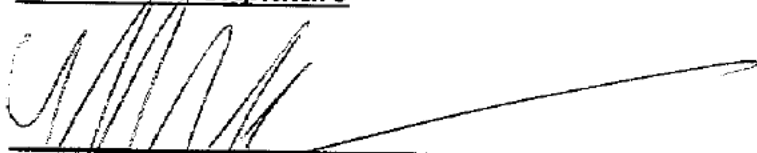
Mandel E. Himmelstein

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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



Mandel E. Himmelstein
Sole Public Arbitrator

10/29/2018

Signature Date

October 29, 2018

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