

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

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In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

Citigroup Global Markets, Inc.

Hearing Site: New York, New York

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

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

For Respondent Citigroup Global Markets, Inc.: Patrick Christensen, Esq., Bressler,  
Amery & Ross, P.C., New York, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: March 9, 2018.

Claimant signed the Submission Agreement: March 9, 2018.

Statement of Answer filed by Respondents on or about: July 3, 2018.

Respondent signed the Submission Agreement: July 9, 2018.

**CASE SUMMARY**

Claimant asserted the following cause of action: expungement.

In the Statement of Answer, Respondent did not oppose Claimant's expungement request.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of Occurrence Numbers ██████████ and ██████████ from his CRD records, compensatory damages of \$1.00, and any and all other relief deemed just and equitable.

In the Statement of Answer, Respondent requested that the request for compensatory damages be denied and that all costs and fees be assessed solely against Claimant.

### **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 15, 2018 so that the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent participated in the expungement hearing and did not contest the request for expungement.

Claimant provided notice that the customer in the underlying complaint for Occurrence Number [REDACTED] passed away in 2003.

On September 13, 2018, Claimant notified the customer in the underlying complaint for Occurrence Number [REDACTED] of his request for expungement and of her right to participate in the expungement hearing and also provided the customer with a copy of the Statement of Claim.

The customer in the underlying complaint for Occurrence Number [REDACTED] did not participate in the expungement hearing and did not oppose Claimant's expungement request.

The Arbitrator finds that the customer for Occurrence Number [REDACTED] does not desire to participate in the expungement hearing and that a decision on the merits of Claimant's request can be entered.

The Arbitrator reviewed Claimant's BrokerCheck® Report and noted that Claimant did not previously file claims requesting expungement of the same disclosures in the CRD.

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

### **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. 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 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 customer alleged that Claimant failed to disclose that he would be charged a commission on the purchase of a bond trust. The Claimant testified credibly that he informed the customer of the commission charge prior to the purchase and the customer was given a prospectus for the bond trust which disclosed the fact that there would a sales charge.

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 finding of fact:

The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds.

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

The customer alleged unsuitability and misrepresentation with regard to an annuity. The Claimant testified credibly that he never recommended the purchase of an annuity and he was not involved in the sale of an annuity to the customer.

3. Any and all claims for relief not specifically addressed herein, including compensatory damages, 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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Respondent Citigroup Global Markets, Inc. is assessed the following:

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|------------------|------------|
| 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:

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|---|-----------|
| One (1) pre-hearing session @ \$50.00/session | =\$ 50.00 |
| Pre-hearing conference: July 9, 2018          | 1 session |

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| One (1) hearing session on expungement request @ \$50.00/session | =\$ 50.00 |
| Hearing Date: October 15, 2018                                   | 1 session |

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

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

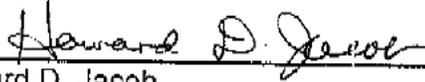
**ARBITRATOR**

Howard D. Jacob

- Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

**Arbitrator's Signature**

  
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Howard D. Jacob  
Sole Public Arbitrator

10/31/18  
Signature Date

**November 1, 2018**

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