

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

██████████

Case Number: ██████████

vs.

Respondent

Investors Capital Corp.

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████: Dochter Kennedy, MBA, J.D., AdvisorLaw, LLC, Broomfield, Colorado and Michael Bessette, Esq., HLBS Law, Broomfield, Colorado.

For Respondent Investors Capital Corp.: Christina Vourakis, Esq., Cetera Financial Group, EL Segundo, California.

CASE INFORMATION

Statement of Claim filed on or about: March 21, 2018.

██████████ signed the Submission Agreement: March 21, 2018.

Statement of Answer filed by Respondent on or about: May 10, 2018.

Investors Capital Corp. signed the Submission Agreement: May 14, 2018.

CASE SUMMARY

Claimant asserted the following cause of action: expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of occurrence number ██████████ his CRD records and compensatory damages of \$1.00, and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested Claimant's claim for compensatory damages be denied, and did not oppose the expungement request.

At the close of the hearing, Claimant withdrew his request for monetary 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 a recorded telephonic hearing on November 6, 2018 so that the parties could present oral argument and evidence on Claimant's request for expungement.

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

The Arbitrator reviewed Claimant's BrokerCheck® and customer's letters of February 10, 2014 and April 11, 2014.

On October 15, 2018, Claimant notified the customer in the underlying complaint of his request for expungement and of the right to participate in the expungement hearing and also provided the customer with a copy of the Statement of Claim.

The customer did not participate nor contest the expungement hearing.

The Arbitrator noted that Claimant did not previously file a claim requesting expungement of the same disclosures in the CRD.

The Arbitrator noted that Claimant [REDACTED] 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: the pleadings.

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 number [REDACTED]) with the understanding that, pursuant to Notice to Members 04-16, Claimant [REDACTED] must obtain confirmation from a court of competent jurisdiction before 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 Arbitrator finds that Claimant was not involved in the alleged investment-related sale 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 unauthorized sale of stock in Soda Stream International LTD and corporate notes from Roadhouse Holdings, Inc. on January 17, 2014. The Claimant left the Respondent for another firm (Met Life) on June 3, 2013. The Claimant testified credibly that he was not involved in these transactions. His testimony is corroborated in the BrokerCheck report, which indicates that the Respondent investigated the complaint and found a taped phone call showing that the customer placed the orders by telephone. In addition there are two letters from the customer (2/10/14 and 4/11/14) indicating that the complaint was against another broker, not against the Claimant [REDACTED]

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
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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 event giving rise to the dispute. Accordingly, as a party, Respondent Investor Capital Corp. 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 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 16, 2018	1 session

One (1) hearing session on expungement request @ \$50.00/session	= \$50.00
Hearing Date: November 6, 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

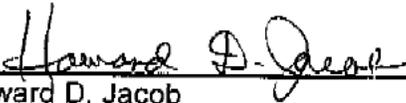
Howard D. Jacob

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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



Howard D. Jacob
Sole Public Arbitrator

November 12, 2018
Signature Date

November 13, 2018

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