

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondents

UBS Financial Services Inc.
Wells Fargo Clearing Services, LLC

Hearing Site: Reno, Nevada

Nature of the Dispute: Associated Person vs. Members

REPRESENTATION OF PARTIES

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

For Respondent UBS Financial Services Inc. (“UBS”): Simon M. Levy, Esq., Keesal, Young & Logan, San Francisco, California.

For Respondent Wells Fargo Clearing Services, LLC (“Wells Fargo”): Timothy N. Will, Esq., Albert & Will, LLP, Torrance, California.

Hereinafter UBS and Wells Fargo are collectively referred to as “Respondents.”

CASE INFORMATION

Statement of Claim filed on or about: April 11, 2018.
Claimant signed the Submission Agreement: April 11, 2018.

Statement of Non-Opposition filed UBS on or about: June 4, 2018.
UBS signed the Submission Agreement: April 17, 2018.

Statement of Answer filed by Wells Fargo on or about: June 22, 2018.
Wells Fargo signed the Submission Agreement: June 25, 2018.

CASE SUMMARY

Claimant asserted a claim seeking expungement of two customer complaints, occurrence numbers ██████████ and ██████████ (“Underlying Complaints”) from his Central Registration Depository (“CRD”) records.

In the Statement of Non-Opposition, UBS denied any wrongdoing and advised that it does not oppose Claimant's request for expungement.

In the Statement of Answer, Wells Fargo denied any wrongdoing and advised that it takes no position and does not oppose Claimant's request for expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Expungement of the Underlying Complaints 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 occurrence number [REDACTED] from his CRD record pursuant to FINRA Rule 2080(b)(1)(B), as Claimant was not involved the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds;
3. Expungement of the Underlying Complaints from his CRD record pursuant to FINRA Rule 2080(b)(1)(C), as the claim, allegation, or information is false;
4. Damages in the amount of \$1.00 from Respondents; and
5. Any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Non-Opposition and the Statement of Answer respectively, UBS and Wells Fargo requested Claimant's request for damages be denied.

At the expungement hearing, Claimant withdrew his request for \$1.00 in damages.

OTHER ISSUES CONSIDERED AND DECIDED

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

On October 1, 2018, Claimant provided notice that the Statement of Claim and notice of the expungement hearing was served on the customer in occurrence number [REDACTED] ("Mr. M") and the customer in occurrence number [REDACTED] ("Mr. G").

The Arbitrator conducted a recorded telephonic hearing on October 30, 2018 so the parties could present oral argument and evidence on Claimant's request for expungement. Respondents participated in the expungement hearing and did not contest the request for expungement.

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 the Underlying Complaints, occurrence numbers [REDACTED] and [REDACTED], from his CRD records is denied.
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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**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, Wells Fargo is assessed the following:

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

One (1) hearing session on expungement request @ \$50.00/session	= \$50.00
Hearing Date: October 30, 2018	1 session

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

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

ARBITRATOR

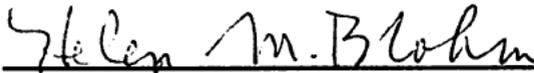
Helen Marinak Blohm

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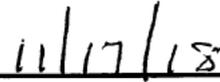
Sole Public Arbitrator

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



Helen Marinak Blohm
Sole Public Arbitrator



Signature Date

November 19, 2018

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