

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

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In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number ██████████

vs.

Respondent

Ameriprise Advisor Services, Inc.

Hearing Site: San Francisco, California

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant ██████████ ("Claimant"): Doctor Kennedy, J.D., MBA and Eric Litow, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Ameriprise Advisor Services, Inc. ("Respondent"): Howard M. Klausmeier, Esq., Ameriprise Financial Services, Inc., Troy, Michigan.

**CASE INFORMATION**

Statement of Claim filed on or about: June 12, 2018.

Claimant signed the Submission Agreement: June 12, 2018.

Statement of Answer filed by Respondent on or about: August 7, 2018.

Respondent signed the Submission Agreement: August 7, 2018.

**CASE SUMMARY**

Claimant asserted a claim seeking expungement of a customer complaint, occurrence number ██████████ ("Underlying Complaint") from his Central Registration Depository ("CRD") record.

In the Statement of Answer, Respondent advised that it does not object and will concur in the request for expungement.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested:

1. Expungement of the Underlying Complaint 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 Complaint from his CRD record pursuant to FINRA Rule 2080(b)(1)(C) as the claim, allegation, or information is false;
  3. Compensatory damages in the amount of \$1.00 from Respondent; and
  4. Any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested:

1. In accordance with FINRA Rule 2080 and Rule 12805 of the Code of Arbitration Procedure ("Code"), a recommendation for the expungement of the Underlying Complaint from Claimant's CRD record;
2. Denial of all requested damages against Respondent; and
3. Assessment of all costs and fees against Claimant that have been or will be incurred by Respondent, including but not limited to the member surcharges and hearing fees, relating to this arbitration matter.

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

### **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 December 12, 2018 so the parties could present oral argument and evidence on Claimant's 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 occurrence [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, 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, 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: October 3, 2018 1 session	

One (1) hearing session on expungement request @ \$50.00/session	= \$50.00
Hearing Date: December 12, 2018 1 session	

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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**

Herb Schwartz

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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**

  
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Herb Schwartz  
Sole Public Arbitrator

  
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Signature Date

January 9, 2019  
Date of Service (For FINRA Office of Dispute Resolution office use only)