

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

GunnAllen Financial, Inc.

Hearing Site: Salt Lake City, Utah

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████ (“Claimant”): Doctor Kennedy, MBA, J.D. and Christopher Cummins, J.D., AdvisorLaw LLC, Westminster, Colorado.

Respondent GunnAllen Financial, Inc. (“Respondent”) did not enter an appearance.

CASE INFORMATION

Statement of Claim filed on or about: March 23, 2018.

Amended Statement of Claim filed on or about: April 3, 2018.

Claimant signed the Submission Agreement: March 23, 2018.

CASE SUMMARY

Claimant asserted a claim seeking expungement of alleged inaccurate information reported by Respondent on Claimant’s Form U4 and Form U5 in his Central Registration Depository (“CRD”) records. In the Amended Statement of Claim, Claimant added additional statements to the factual background of the Statement of Claim.

RELIEF REQUESTED

In the Statements of Claim, Claimant requested:

1. Expungement of the Form U5 Occurrence Number ██████████ those relevant portions of the Form U4;
2. Amendment of the Reason for Termination entry in Section 3 of the Claimant’s Form U5 to read “Voluntary”;
3. Expungement of Reason for Termination on the Claimant’s BrokerCheck® report;
4. Expungement of the “Yes” answers to Questions 7B, 7E(2), 7F(1), and 7F(2) of the Claimant’s Form U5,
 - a. Amending “Yes” responses to “No,” and

- b. Deletion of the accompanying Internal Review and Termination Disclosure Reporting Pages in their entirety; and
5. Compensatory damages in the amount of \$1.00.

OTHER ISSUES CONSIDERED AND DECIDED

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

Respondent did not file with FINRA Office of Dispute Resolution a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code of Arbitration Procedure ("Code") and is bound by the determination of the Arbitrator on all issues submitted.

On April 3, 2018, Claimant filed an Amended Statement of Claim before the Arbitrator's appointment to the case. Therefore, in accordance with the Code Rule 13309(a), Claimant's Amended Statement of Claim became part of the record.

Respondent did not appear at the evidentiary hearing. Upon review of the file and the representations made by Claimant, the Arbitrator determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without Respondent present, in accordance with the Code.

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. The Arbitrator recommends the expungement of the Reason for Termination and Termination Explanation in the Form U5 of Claimant [REDACTED] (CRD# [REDACTED]) filed by GunnAllen Financial, Inc. on April 1, 2008, and maintained by the CRD. The Reason for Termination should be changed to "Voluntary," and the Termination Explanation should be deleted in its entirety. No replacement language for the Termination Explanation is being provided and that section should remain blank.

In addition, the Arbitrator recommends expungement of the "Yes" answers to Questions 7F(1) and 7F(3), and the accompanying Disclosure Reporting Page be deleted in its entirety.

The above recommendations shall also apply to any subsequent disclosures concerning this event, including but not limited to, the U4 Amendment filed by H. Beck on June 4, 2012.

The Arbitrator is making these recommendations based on the defamatory nature of the information. The registration records are not automatically amended to include the changes indicated above. Claimant [REDACTED] must forward a copy of this Award to FINRA's Registration and Disclosure Department for review.

2. Claimant's additional requests for expungement are denied.
3. Claimant's request for compensatory damages in the amount of \$1.00 is denied.
4. Any and all relief not specifically addressed herein is 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: August 15, 2018 1 session	

One (1) hearing session on expungement request @ \$50.00/session	= \$50.00
Hearing Date: November 16, 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.

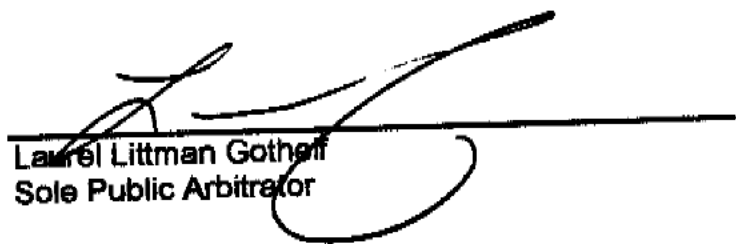
All balances are payable to FINRA Office of Dispute Resolution and are due upon receipt.

ARBITRATOR

Laurel Littman Gothelf - 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



Laurel Littman Gothelf
Sole Public Arbitrator

1-8-19
Signature Date

January 9, 2019

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