

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

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In the Matter of the Arbitration Between:

Claimant

Case Number: 18-00197

████████████████████

vs.

Respondent

Hearing Site: Des Moines, Iowa

VSR Financial Services, Inc.

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant ██ ("Claimant"): Christopher Cummins, Esq. and Dochter Kennedy, Esq., AdvisorLaw LLC, Westminster, Colorado.

For Respondent VSR Financial Services, Inc. ("Respondent"): Christina Vourakis, Esq., Cetera Financial Group, El Segundo, California.

**CASE INFORMATION**

Statement of Claim filed on or about: January 17, 2018.  
Claimant signed the Submission Agreement: January 17, 2018.

Statement of Answer filed on or about: March 1, 2018.  
Respondent signed the Submission Agreement: February 14, 2018.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim seeking expungement of a customer complaint from her registration records maintained by the Central Registration Depository ("CRD").

In the Statement of Answer, Respondent denied any allegation of wrongdoing, took no position on Claimant's request for expungement, and asked that Respondent be given the opportunity to attend the final hearing by telephone.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of Occurrence Number ██████████ from her CRD records, an award of compensatory damages in the amount of \$1.00, and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that the Arbitrator deny Claimant's

request for \$1.00 in compensatory damages and order that all forum costs are assessed to 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 hearings on November 9, 2018, and December 18, 2018, so the parties could present oral argument and evidence on Claimant's request for expungement.

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

The customers related to Occurrence Number [REDACTED] did not participate in the expungement hearing, as both are deceased.

### **AWARD**

After considering the pleadings, the testimony, the evidence presented at the hearing, and the post-hearing submission, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's request for expungement of her CRD records is denied.
2. Claimant's request for compensatory damages is denied.
3. 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 that employed the associated person at the time of the events 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, 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: May 7, 2018	1 session	

Two (2) hearing session on expungement request @ \$50.00/session	= \$	100.00
Hearing Date: November 9, 2018	1 session	
December 18, 2018	1 session	

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Total Hearing Session Fees	= \$	100.00
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The Arbitrator has assessed \$150.00 of the hearing session fees to Claimant.

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

**ARBITRATOR**

Jonathan B. Gilbert

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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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Jonathan B. Gilbert  
Sole Public Arbitrator

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Signature Date

February 28, 2019  
Date of Service (For FINRA Office of Dispute Resolution office use only)