

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

Case Number: [REDACTED]

vs.

Respondent

Berthel, Fisher & Company Financial
Services, Inc.

Hearing Site: Minneapolis, Minnesota

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant [REDACTED] ("Claimant"): Christopher Cummins, Esq. and
Dochtor D. Kennedy, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Berthel, Fisher & Company Financial Services, Inc. ("Respondent"):
Shelley R. Davenport, Berthel, Fisher & Company Financial, Cedar Rapids, Iowa.

CASE INFORMATION

Statement of Claim filed on or about: July 2, 2018.

Claimant signed the Submission Agreement: July 2, 2018.

Statement of Answer filed on or about: August 23, 2018.

Respondent signed the Submission Agreement: August 23, 2018.

CASE SUMMARY

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

In the Statement of Answer, Respondent did not take a position with respect to
Claimant's request for expungement and declined to participate further.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Numbers

[REDACTED] any and all other relief that the
Arbitrator deems just and appropriate.

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

request for \$1.00 in compensatory damages, that no other relief against Respondent be awarded, and that all fees be assessed to Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

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

On or about January 30, 2019, Claimant filed notice of withdrawal of his request for expungement of Occurrence Number [REDACTED]

Respondent did not participate in the expungement hearing.

The customers related to the underlying occurrences did not participate in the expungement hearing.

The Arbitrator conducted a recorded, in-person hearing on February 5, 2019 so the parties could present oral argument and evidence on Claimant's request for expungement.

Claimant did not pursue his request for expungement of Occurrence Number [REDACTED] at the evidentiary hearing. Accordingly, the Arbitrator made no determination on the issue of expungement in regard to Occurrence Number [REDACTED]

AWARD

After considering the pleadings, the testimony, and the 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 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 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

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: November 1, 2018 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00
Hearing Date: February 5, 2019 1 session

Total Hearing Session Fees = \$ 100.00

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

Thomas J. Gmeinder

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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

Thomas J. Gmeinder

Thomas J. Gmeinder
Sole Public Arbitrator

February 28, 2019
Signature Date

March 1, 2019

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