

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

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In the Matter of the Arbitration Between:

Claimant

██████████

Case Number: ██████████

vs.

Respondent

Sagepoint Financial, Inc.

Hearing Site: Los Angeles, California

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant ██████████ (“Claimant”): Frances Menzer, JD, HLBS Law, Westminster, Colorado.

For Respondent Sagepoint Financial, Inc. (“Respondent”): James V. Noblett, Esq., Advisor Group, Jersey City, New Jersey.

**CASE INFORMATION**

Statement of Claim filed on or about: November 27, 2018.  
Claimant signed the Submission Agreement: November 27, 2018.

Statement of Answer filed by Respondent on or about: January 28, 2019.  
Respondent signed the Submission Agreement: March 20, 2019.

**CASE SUMMARY**

Claimant asserted a claim seeking expungement of a customer dispute (“Underlying Claim”), a civil litigation which evolved into a FINRA arbitration case, occurrence number ██████████ from his Central Registration Depository (“CRD”) records.

In the Statement of Answer, Respondent advised that it will not oppose Claimant’s request for expungement and asserted an affirmative defense.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested:

1. Expungement of the Underlying Claim from his CRD records 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 Claim from his CRD records 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 did not set forth a specific relief request.

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

### **OTHER ISSUES CONSIDERED AND DECIDED**

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

On May 1, 2019, Claimant provided notice that a copy of the Statement of Claim and notice of the expungement hearing had been served on the customers in the Underlying Claim, "Ms. KW" and her mother, "Ms. PW". Hereinafter, Ms. KW and Ms. PW are collectively referred to as "Customers."

On May 15, 2019, Claimant submitted an Affidavit of Service advising that the Customers were served with a copy of the Statement of Claim.

On June 14, 2019, Ms. KW submitted a written opposition to Claimant's expungement request.

The Arbitrator conducted a recorded telephonic hearing on June 20, 2019 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, and the post-hearing submissions, 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 Claim, occurrence number [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

*\*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

**Postponement Fees**

Postponements granted during these proceedings for which fees were assessed or waived:

June 3, 2019, postponement by Claimant = waived

**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: March 28, 2019 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$50.00  
Hearing Date: June 20, 2019 1 session

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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**

Rosa Linda Guadarrama

Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described hereir and who executed this instrument which is my award.

**Arbitrator's Signature**

  
\_\_\_\_\_  
Rosa Linda Guadarrama  
Sole Public Arbitrator

  
\_\_\_\_\_  
Signature Date

June 28, 2019

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