

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant
[REDACTED]

Case Number: [REDACTED]

vs.

Respondent
CFD Investments, Inc.

Hearing Site: Indianapolis, Indiana

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant [REDACTED] (“Claimant”): Michelle Atlas, Esq. and Docthor Kennedy, Esq., AdvisorLaw LLC, Westminster, Colorado.

For Respondent CFD Investments, Inc. (“Respondent”): Matthew Bahrenburg, Esq., CFD Investments, Inc., Kokomo, Indiana.

CASE INFORMATION

Statement of Claim filed on or about: December 20, 2018.
Claimant signed the Submission Agreement: December 20, 2018.

Statement of Answer filed on or about: February 5, 2019.
Respondent signed the Submission Agreement: February 5, 2019.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim seeking expungement of customer dispute information from his registration records maintained by the Central Registration Depository (“CRD”).

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

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

In the Statement of Answer, Respondent objected to all of Claimant’s relief requests

and requested that this matter be dismissed in its entirety with respect to Respondent.

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

OTHER ISSUES CONSIDERED AND DECIDED

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

On or about April 12, 2019, Respondent filed a Motion for Assessment of Costs against Claimant for recovery of its costs in connection with completing Claimant's discovery request. Claimant did not file a response. The Arbitrator heard oral arguments on May 14, 2019. In an order dated May 15, 2019, the Arbitrator denied the Motion for Assessment of Costs.

On or about July 2, 2019, Claimant submitted a Notice of Death Record and Notice of Obituary for the customer related to Occurrence Number [REDACTED]

The Arbitrator conducted a recorded, telephonic hearing on August 8, 2019 so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent participated in the expungement hearing and contested the request for expungement. The Arbitrator took judicial notice that the customer related to Occurrence Number [REDACTED] is deceased and, therefore, could not participate in the expungement hearing. The Arbitrator also noted that Claimant produced no evidence of service effectuated or efforts made to serve the heirs of the customer related to Occurrence Number [REDACTED]

AWARD

After considering the pleadings and 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 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 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:

Two (2) pre-hearing sessions @ \$50.00/session	= \$ 100.00
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Pre-hearing conferences: April 22, 2019	1 session
May 14, 2019	1 session

One (1) hearing session on expungement request @ \$50.00/session	= \$ 50.00
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Hearing Date: August 8, 2019	1 session
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Total Hearing Session Fees	= \$ 150.00
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The Arbitrator has assessed \$50.00 of the pre-hearing session fees to Claimant.
The Arbitrator has assessed \$50.00 of the pre-hearing session fees to Respondent.
The Arbitrator has assessed \$50.00 of the expungement hearing session fees to Claimant.

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

ARBITRATOR

Lynn Hirschfeld Brahin

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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

Lynn Hirschfeld Brahin

Lynn Hirschfeld Brahin
Sole Public Arbitrator

08/16/2019

Signature Date

August 16, 2019

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