

AWARD
FINRA DISPUTE RESOLUTION

CASE #: [REDACTED]

[REDACTED] (Claimant) vs. Citigroup Global Markets, Inc. (Respondent)

REPRESENTATION OF PARTIES:

For Claimant [REDACTED]: Owen Harnett, Esq. and Dochter Kennedy, MBA, J.D., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent Citigroup Global Markets, Inc.: David I. Hantman, Esq., Bressler, Amery & Ross, P.C., New York, New York.

NATURE OF DISPUTE: Associated Person vs. Member

Statement of Claim filed on or about: August 19, 2016.

CASE SUMMARY: Claimant asserted the following cause of action: expungement.

RELIEF REQUESTED: In the Statement of Claim, Claimant requested compensatory damages in the amount of \$1.00, expungement of his CRD records, and any and all other relief that the Arbitrator deems just and equitable.

AWARD: The undersigned Arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows:

- 1 The Arbitrator recommends the expungement of all reference to the customer complaint (occurrence number [REDACTED] from [REDACTED] (CRD # [REDACTED]) registration records maintained by the Central Registration Depository ("CRD"), with the understanding that, pursuant to Notice to Members 04-16, [REDACTED] must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 12805 of the Code, the Arbitrator has made the following Rule 2080 affirmative finding of fact:

The claim, allegation or information is false.

The Arbitrator made the above Rule 2080 finding based on the following reasons:

Evidence was presented at the hearing that led the Arbitrator to believe that Claimant did not perform the wrongdoing that was alleged in the customer's Statement of Claim, and thus expungement is granted pursuant to Rule 2080. First, as to the suitability claims: the record is clear that the customer provided her son with discretionary authorization of her account, that the Claimant continuously communicated his opinion that the son's trades were against his advice, that the Claimant discussed and reviewed the customer's account statement with the customer on at least a quarterly basis, and finally that the customer was aware of Claimant's dissent with her son's investment strategy. The transactions characterized as unsuitable were made by the customer's son, per her authorization, and made against the Claimant's advice. The Arbitrator reviewed the Settlement Agreement, considered the amounts paid to the customer and the conditions of settlement in reaching this decision.

2. All other relief requests are denied.
3. FINRA Dispute Resolution shall retain the \$50.00 filing fee that the Claimant deposited previously.

OTHER FEES: Respondent has paid to FINRA Dispute Resolution the \$150.00 Member Surcharge previously invoiced.

One (1) Hearing session on expungement request @ \$50.00	= \$	50.00
Hearing Date: January 24, 2017	1 session	
Total Hearing Session Fees		= \$ 50.00

The Arbitrator has assessed the \$50.00 expungement hearing session fee to Claimant.

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

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

The Arbitrator conducted a recorded telephonic expungement hearing on January 24, 2017 so that the parties could present oral argument on Claimant's request for expungement of his CRD record. Claimant's request for expungement of his CRD record was uncontested.

By correspondence dated December 21, 2016, Claimant's counsel advised FINRA that the customer passed away in 2012.

The Arbitrator reviewed the BrokerCheck Report for Claimant and the settlement documents between Respondent and the customer.

The Arbitrator noted that: Claimant attempted to serve the underlying customer with the pleadings, but that the customer passed away in 2012; there was no agreement that the settlement was conditioned on the customer not opposing the request for expungement; that Claimant did not contribute to the settlement amount; and that Claimant did not previously file a claim requesting expungement of the same disclosure from the CRD.

In recommending expungement, the Arbitrator relied upon the pleadings, the testimony of the Claimant, the BrokerCheck Report for the Claimant, and the Settlement Agreement between the Respondent and the customer.

At the hearing, the Claimant withdrew his request for compensatory damages.

ARBITRATOR

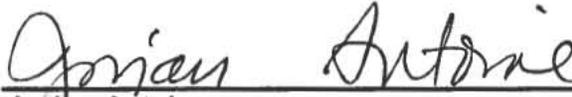
Josian Antoine

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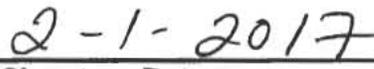
Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

Arbitrator's Signature



Josian Antoine
Sole Public Arbitrator



Signature Date

February 7, 2017
Date of Service (For FINRA-DR office use only)