

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

Case Number: 18-01331

██████████

vs.

Respondent

Hearing Site: Omaha, Nebraska

Royal Alliance Associates, Inc.

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

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

For Respondent Royal Alliance Associates, Inc. ("Respondent"): Gregory M. Curley, Esq., Royal Alliance Associates, Inc., Jersey City, New Jersey.

CASE INFORMATION

Statement of Claim filed on or about: April 11, 2018.

Claimant signed the Submission Agreement: April 11, 2018.

Statement of Answer filed by Respondent on or about: May 7, 2018.

Respondent signed the Submission Agreement: May 7, 2018.

CASE SUMMARY

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

In the Statement of Answer, Respondent supported Claimant's request for expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Numbers ██████████ and ██████████ from his CRD, \$1.00 in compensatory damages, and any and all other relief as the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent did not request any relief.

On record at the hearing, Claimant withdrew his request for \$1.00 in compensatory damages and request for such other relief as the Arbitrator deems just and equitable.

OTHER ISSUES CONSIDERED AND DECIDED

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

On or about October 25, 2018, Claimant filed a copy of the letters sent to the customers for Occurrence Numbers [REDACTED] and [REDACTED], providing each customer with the Statement of Claim, notice of the expungement hearing date and time, and the option to participate in the expungement hearing.

The Arbitrator conducted a recorded, telephonic hearing on November 27, 2018 so the parties could present oral argument and evidence on Claimant's request for expungement. Respondent participated in the expungement hearing but did not contest the request for expungement. The customers did not participate in the expungement hearing.

The Arbitrator reviewed the BrokerCheck® Report for Claimant and the settlement documents, considered the amount of payments made to any party, and considered other relevant terms and conditions of the settlements. The Arbitrator noted that the settlements were not conditioned on the customers not opposing the request for expungement. The Arbitrator also noted that Claimant did not contribute to the settlement amounts.

The Arbitrator noted that Claimant did not previously file a claim requesting expungement of Occurrence Number [REDACTED] in the CRD.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: Statement of Claim, Claimant's testimony, and the nominal settlement amount for Occurrence Number [REDACTED]

AWARD

After considering the pleadings, the testimony and the 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. The Arbitrator recommends the expungement of all references to Occurrence Number [REDACTED] from registration records maintained by the CRD, for Claimant [REDACTED] (CRD# [REDACTED]), with the understanding that, pursuant to Notice to Members 04-16, Claimant [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 13805 of the Code of Arbitration Procedure (the "Code"), the Arbitrator has made the following Rule 2080 affirmative finding of fact:

- The claim, allegation, or information is false.

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

Expungement of the Occurrence Number [REDACTED] is recommended. Claimant's Statement of Claim asserts that the investments made by the customers were adversely affected by the market declines, including 2008. Also, the customers withdrew significant amounts, more than Claimant recommended, during that time of market declines. Testimony at the hearing suggested no wrongful conduct by Claimant. The pleadings and BrokerCheck demonstrate that Claimant did not contribute to the settlement. I believe that the above events, not any alleged failure by Claimant, resulted in the customers' losses. That conclusion is, in my view, supported by the nominal settlement amount. Therefore, the customers' claim is false.

2. Claimant's request for expungement of Occurrence Number [REDACTED] from his CRD record is denied.

FEES

Pursuant to the Code, 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(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: August 14, 2018	1 session

One (1) hearing session on expungement request @ \$50.00/session	= \$ 50.00
Hearing Date: November 27, 2018 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

Philip J. Glick

- 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

Philip J. Glick

January 25, 2019

Philip J. Glick
Sole Public Arbitrator

Signature Date

January 28, 2019

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