

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

---

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number

██████████

vs.

Respondent

Ameriprise Financial Services, Inc.

Hearing Site: Hartford, Connecticut

---

Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant ██████████: Frances G. Mezer, Esq., Advisorlaw LLC,  
Westminster, Colorado.

For Respondent Ameriprise Financial Services, Inc.: Howard M. Klausmeier, Esq.,  
Ameriprise Financial Services, Inc., Minneapolis, Minnesota.

**CASE INFORMATION**

Statement of Claim filed on or about: December 20, 2018.

Amended Statement of Claim filed on or about: January 30, 2019

████████████████████ signed the Submission Agreement: December 20, 2018.

Statement of Answer filed by Respondents on or about: February 19, 2019.

Ameriprise Financial Services, Inc. signed the Submission Agreement: February 19,  
2019.

**CASE SUMMARY**

Claimant asserted the following causes of action: expungement.

Respondent Ameriprise Financial Services, Inc. recommended the expungement of the  
subject customer complaint from the Claimant's Central Registration Depository ("CRD")  
Record.

### **RELIEF REQUESTED**

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

In the Statement of Answer Respondent requested that the Arbitrator deny any and all relief requested against Ameriprise Financial Services, LLC.

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

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

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

Claimant provided FINRA Office of Dispute Resolution with proof, dated January 30, 2019 and May 24, 2019, that the customers related to Occurrence Number [REDACTED] were notified of the expungement request and of their right to participate and testify at the expungement hearing. The customers were also served with a copy of the Statement of Claim and the Amended Statement of Claim.

The Arbitrator conducted a recorded telephonic hearing on June 19, 2019 so the parties could present oral argument and evidence on [REDACTED]' request for expungement.

The customers did not participate in the expungement hearing and did not contest the request for expungement.

The Arbitrator reviewed the BrokerCheck® Report for [REDACTED]

The Arbitrator noted that with respect to Occurrence Number [REDACTED] the Respondent did not settle with the customers.

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

In recommending expungement the Arbitrator relied upon the following documentary or other evidence: Respondent's Answer, Claimant's BrokerCheck Report, Exhibits 13, 14, 15, 21, 24 and 25, and Claimant's testimony.

## 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. The Arbitrator recommends the expungement of Occurrence Number 1889118 from registration records maintained by the Central Registration Depository, 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, the Arbitrator has made the following Rule 2080 affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous.

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

The customers did not participate in the expungement hearing nor did they do anything further but file a complaint with Respondent. The Respondent conducted an extensive examination of Claimant, which included all his personal notes, records and transaction documents. The Respondent determined that the Claimant did nothing inappropriate. Therefore, the claim was erroneous and factually impossible.

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/ as Respondent's former firm, 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: April 29, 2019 1 session

One (1) hearing session @ \$50.00/session = \$ 50.00  
Hearing Date: June 19, 2019 1 session

---

Total Hearing Session Fees = \$100.00

The Arbitrator has assessed the \$100.00 hearing session fee to Claimant.

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

**ARBITRATOR**

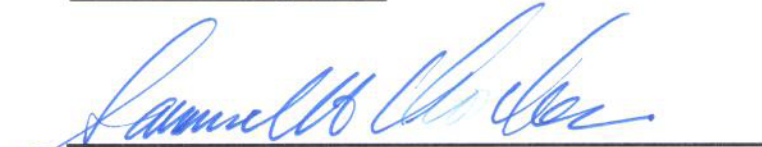
Samuel H. Chorches

-


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**



Samuel H. Chorches  
Sole Public Arbitrator



Signature Date

June 28, 2019

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