

- 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.

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

OTHER ISSUES CONSIDERED AND DECIDED

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

Respondent did not file with FINRA Office of Dispute Resolution a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code of Arbitration Procedure (“Code”) and is bound by the determination of the Arbitrator on all issues submitted.

On January 23, 2019, provided notice that the Statement of Claim and notice of the expungement hearing had been served on the Customers.

On January 25, 2019, Respondent filed a submission advising that Respondent would not be appearing in this matter or at the hearing.

On February 1, 2019, Claimant filed an Affidavit of Service advising that the Customers had been served with a copy of the Statement of Claim. On February 4, 2019, Claimant provided notice that a follow up letter had been sent to the Customers with notice of the new expungement hearing date.

The Arbitrator conducted a recorded telephonic on April 12, 2019, so the parties could present oral argument and evidence on Claimant’s request for expungement. Respondent did not participate in the expungement hearing and did not contest the request for expungement.

The Customers also did not participate in the expungement hearing. The Arbitrator found that the Customers were provided with notice of the expungement hearing and did not seek to participate.

The Arbitrator reviewed Claimant’s BrokerCheck® Report.

The Arbitrator also reviewed the Settlement Agreement and Mutual General Release between the Customers and Respondent dated March 21, 2016 (“Settlement Agreement”), considered the amount of payments made to any party, and considered other relevant terms and conditions of the settlement. The Arbitrator noted that the settlement was not conditioned on the Customers not opposing the request for expungement. The Arbitrator also noted that although the Underlying Claim settled for \$260,000.00, Claimant did not contribute to the settlement amount. The Arbitrator further found that Respondent settled for business reasons only.

The Arbitrator noted that Claimant previously requested expungement of the same CRD disclosure in the Underlying Arbitration. However, the Panel in the Underlying Arbitration made no determination regarding Claimant's expungement request as Claimant did not move for expungement during a prehearing conference held in the Underlying Arbitration.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence:

- Statement of Claim and exhibits thereto;
- Claimant's Hearing Exhibit 4 – Tenant in Common Interests in NNN Parkway Corporate Plaza, LLC Purchaser Questionnaire ("Purchaser Questionnaire");
- Claimant's Hearing Exhibit 5 – Confidential Private Placement Memorandum NNN Parkway Corporate Plaza, LLC ("Private Placement Memorandum");
- Claimant's Hearing Exhibit 6 – First Supplement to Confidential Private Placement Memorandum NNN Parkway Corporate Plaza, LLC and Tenant in Common Interests in Parkway Corporate Plaza Addendum ("Private Placement Memorandum Supplement");
- Settlement Agreement; and
- Claimant's testimony.

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, 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 CRD, for Claimant [REDACTED] (CRD# [REDACTED] with the understanding that, pursuant to Notice to Members 04-16, Claimant [REDACTED] (CRD# [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 Rule 2080 affirmative findings of fact:

The claim, allegation, or information is false.

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

The settlement agreement, Claimant's BrokerCheck® Report, and Claimant's testimony establish the Underlying Claim was settled by Respondent for business reasons without any involvement, financial contribution, finding of responsibility or finding of fault by Claimant. Furthermore, Claimant's testimony, the Purchaser Questionnaire, the Private Placement Memorandum and the Private Placement Memorandum Supplement, all establish that the Customers were knowledgeable and experienced accredited investors. The evidence presented established that the Customers made their investment decisions with information, disclosures and due diligence from Claimant that was appropriate to them as customers and to the investment. Therefore, the claims and allegations of unsuitability, misrepresentation, and breach of fiduciary duty against Claimant in the Underlying Claim were false.

2. Any and all claims for relief not specifically addressed herein are 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(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
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Postponement Fees

Postponements granted during these proceedings for which the following fees were waived:

March 31, 2019, postponement by Claimant	= Waived
April 2, 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: January 14, 2019	1 session

ARBITRATOR

Kevin K. Forrester

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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



Kevin K. Forrester
Sole Public Arbitrator

05/06/2019

Signature Date

May 6, 2019

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