

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

Deutsche Bank Securities, Inc.

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████: Michael O’Gara, Esq. and Docthor Kennedy, MBA, J.D, AdvisorLaw LLC, Broomfield, Colorado.

For Respondent Deutsche Bank Securities, Inc.: Leonard Weintraub, Esq., Paduano & Weintraub, LLP, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: December 19, 2017.

████████████████████ signed the Submission Agreement: December 19, 2017.

Statement of Answer filed by Respondents on or about: February 8, 2018.

Deutsche Bank Securities, Inc. signed the Submission Agreement: February 9, 2018.

CASE SUMMARY

Claimant asserted the following cause of action: expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested the following:

1. expungement of occurrence number ██████████ from Claimant’s CRD records pursuant to FINRA Rule 2080(b)(1)(A) as the claim, allegations, or information is factually impossible or clearly erroneous;
2. expungement of occurrence number ██████████ from Claimant’s CRD records pursuant to FINRA Rule 2080(b)(1)(C) as the claim, allegations, or information is false;
3. an award of compensatory damages in the amount of \$1.00; and
4. any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that the Panel deny any request for compensatory damages or any other relief against it. Respondent took no position regarding Claimant's request for expungement, but reserved the right to oppose his request for expungement.

At the hearing, Claimant withdrew his request for 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 that he notified the customers related to occurrence number [REDACTED] of the expungement request and of their right to participate and testify at the expungement hearing and included a copy of the Statement of Claim with the notice.

The Arbitrator conducted a recorded telephonic expungement hearing on December 10, 2018 so the parties could present oral argument and evidence on Claimant's request for expungement.

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

Respondent participated in the expungement hearing, but did not contest the request for expungement.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: Claimant's Statement of Claim, Respondent's Statement of Answer, [REDACTED] BrokerCheck® Report, and the testimony and evidence presented at the telephonic expungement hearing.

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

The parties present at the hearing have agreed that the Award in this matter may be executed in counterpart copies or 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 the Central Registration Depository ("CRD"), for [REDACTED] (CRD# [REDACTED]) 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 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, and the claim, allegation, or information is false.

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

The customers asserted that Claimant failed to follow instructions to rollover covered call positions, Claimant testified that calls were rolled over promptly after a direction from the customers. The Respondent did not find any wrongdoing after an investigation. The customer took no further action, no money was paid to the customers, and the customers remain clients of the Claimant.

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
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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 event(s) giving rise to the dispute. Accordingly, as a party, Deutsche Bank Securities, Inc. 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:

One (1) pre-hearing session with a single arbitrator @ \$50.00/session = \$ 50.00
Pre-hearing conference: April 25, 2018 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00
Hearing Date: December 10, 2018 1 session

Total Hearing Session Fees = \$ 100.00

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

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

ARBITRATOR


William G. Binckes

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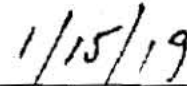
Sole Public Arbitrator

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



William G. Binckes
Sole Public Arbitrator



Signature Date

January 18, 2019

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