

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

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In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

J.P. Morgan Securities, LLC

Hearing Site: Dallas, Texas

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant ██████████ Erica Harris, Esq. and Dochter D. Kennedy, Esq.,  
AdvisorLaw, LLC, Westminster, Colorado.

For Respondent J.P. Morgan Securities, LLC: Thomas J. Cahill, Esq., Satterlee  
Stephens LLP, New York, New York.

**CASE INFORMATION**

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

██████████ signed the Submission Agreement: October 11, 2018.

Statement of Answer filed by Respondent on or about: December 4, 2018.

J.P. Morgan Securities, LLC signed the Submission Agreement: December 4, 2018.

**CASE SUMMARY**

Claimant asserted cause of action of inaccurate reporting on his Central Registration  
Depository ("CRD") records relating to two customer complaints (Occurrence Nos.  
██████████ and ██████████

In Occurrence No. ██████████ the customer alleged unauthorized trading in connection  
with his stock liquidation.

In Occurrence No. ██████████ the customer alleged misrepresentation and suitability in  
connection with his investment in an AXA annuity.

In the Statement of Answer, Respondent stated that it does not oppose Claimant's request  
for expungement.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested: expungement of all references to Occurrence Nos. [REDACTED] and [REDACTED] from his CRD records; compensatory damages of \$1.00; and any and all other relief that the Arbitrator deemed just and equitable.

In the Statement of Answer, Respondent did not specifically delineate a relief request.

During the hearing, Claimant withdrew his request for compensatory damages of \$1.00.

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

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

On or about February 27, 2019, Claimant filed with FINRA Office of Dispute Resolution proof of service upon the underlying customers in connection with Occurrence Nos. [REDACTED] and [REDACTED] of the Statement of Claim in this matter, notice of the date and time of the upcoming expungement hearing, and of the underlying customers' right to participate therein. The customer in connection with Occurrence No. [REDACTED] did not submit any response thereto.

On or about March 11, 2019, Claimant filed with FINRA Office of Dispute Resolution an Affidavit attesting to service of the Statement of Claim upon the underlying customers in connection with Occurrence Nos. [REDACTED] and [REDACTED]

On or about March 21, 2019, the underlying customer for Occurrence No. [REDACTED] filed a response objecting to the expungement request.

The Arbitrator conducted a recorded telephonic hearing on March 26, 2019, so the parties could present oral argument and evidence on Claimant's request for expungement. The customers did not participate in the expungement hearing

The Arbitrator reviewed the BrokerCheck® Report for Claimant. Respondent investigated the customer complaints and denied them. The customers did not further pursue their claims. Therefore, there were no settlement agreements for the Arbitrator to review.

The Arbitrator noted that Claimant did not previously file a claim requesting expungement of the same disclosures in the CRD.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: the Statement of Claim; the Statement of Answer; Claimant's expungement hearing exhibits, particularly emails and written correspondence between the customer in connection with Occurrence No. [REDACTED] and Claimant; and Claimant's testimony.

## **AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions, if any, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's request for expungement of Occurrence No. [REDACTED] from his CRD records is denied.
2. The Arbitrator recommends the expungement of all references to Occurrence No. [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 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 ("Code"), the Arbitrator has made the following Rule 2080 affirmative findings of fact in connection with Occurrence No. [REDACTED]

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 trade in question was not made through Claimant or his firm at the time. It was executed by a different brokerage firm. The customer acknowledged the mistake, apologized for the allegations, withdrew the complaint, and sought no compensation.

3. 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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**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 30, 2019	1 session

One (1) hearing session on expungement request @ \$50.00/session	= \$ 50.00
Hearing Date: March 26, 2019	1 session

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Total Hearing Session Fees	= \$ 100.00
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The Arbitrator has assessed the entire hearing session fees of \$100.00 to Claimant.

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

**ARBITRATOR**

Jeff Abrams

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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**



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Jeff Abrams  
Sole Public Arbitrator

4-20-2019

\_\_\_\_\_  
Signature Date

4/22/2019

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