

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondents

Citigroup Global Markets, Inc.
Prudential Equity Group, LLC

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Members

REPRESENTATION OF PARTIES

For Claimant ██████████: Dochter Kennedy, MBA, JD, and Michael Bissette, Esq. AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent Citigroup Global Markets, Inc.: David I. Hantman, Esq., Bressler, Amery & Ross, P.C., New York, New York.

For Respondent Prudential Equity Group, LLC: Jenifer Levanchy, Esq., Nukk-Freeman & Cerra. P.C., Chatham, New Jersey.

CASE INFORMATION

Statement of Claim filed on or about: February 26, 2018.

████████████████████ signed the Submission Agreement: February 26, 2018.

Citigroup Global Markets, Inc.'s Statement of Answer filed on or about: April 27, 2018.

Citigroup Global Markets, Inc. signed the Submission Agreement: May 8, 2018.

Prudential Equity Group, LLC's Statement of Answer filed on or about: April 19, 2018.

Prudential Equity Group, LLC did not sign the Submission Agreement.

CASE SUMMARY

Claimant asserted the following cause of action: Expungement.

Unless specifically admitted in the Statement of Answer, Respondent Citigroup Global Markets, Inc., denied any allegations of wrongdoing.

Unless specifically admitted in the Statement of Answer, Respondent Prudential Equity Group, LLC denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Expungement of the occurrences from his CRD record pursuant to FINRA Rule 2080(b)(1)(A), as the claims, allegations, or information are factually impossible or clearly erroneous.
2. Expungement of the occurrences from his CRD record pursuant to FINRA Rule 2080(b)(1)(C), as the claims, allegations, or information are false.
3. An award of damages in the amount of \$1.00 from the Respondents.
4. Any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer Respondent Citigroup Global Markets, Inc. did not oppose the requested expungement relief. However, Respondent Citigroup Global Markets, Inc. objected to Claimant's request for \$1.00 in compensatory damages, and requested that all other costs and fees be assessed solely against Claimant.

In the Statement of Answer Respondent Prudential Equity Group, LLC took no position on Claimant's expungement request, and requested that all forum fees be assessed against Claimant.

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

OTHER ISSUES CONSIDERED AND DECIDED

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

Respondent Prudential Equity Group, LLC 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, (having answered the claim, appeared and testified at the hearing,) is bound by the determination of the Arbitrator on all issues submitted.

Claimant provided FINRA Office of Dispute Resolution with proof that he notified the customers related to Occurrence Numbers [REDACTED] of the expungement request and of their right to participate and testify at the expungement hearing. On November 27, 2018 Claimant filed an Affidavit which confirmed that the Statement of Claim was provided to the customers, except one who is deceased.

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

The customers related to Occurrence Numbers [REDACTED] did not participate in the expungement hearing and did not contest the request for expungement.

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. Claimant's request for expungement of Occurrence Numbers [REDACTED] from his CRD records, is denied.
2. Any and all claims for relief not specifically addressed herein is 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 firms that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Respondent Citigroup Global Markets, Inc. and Prudential Equity Group, LLC are each assessed the following:

Member Surcharge = \$ 150.00

Discovery-Related Motion Fee

Fees apply for each decision rendered on a discovery-related motion.

One (1) decision on a discovery-related motion on the papers
with one (1) arbitrator @ \$200.00/decision = \$ 200.00

Claimant submitted one discovery-related motion

Total Discovery-Related Motion Fees = \$ 200.00

The Arbitrator assessed the \$200.00 discovery-related motion fees to the Claimant.

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: June 13, 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 assessed the \$100.00 hearing session fees to the Claimant.

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

ARBITRATOR

Edward W. Morris, Jr.

-

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



Edward W. Morris, Jr.
Sole Public Arbitrator

2/22/19
Signature Date

February 22, 2019

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