

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

Case Number [REDACTED]

vs.

Respondent

Ameriprise Financial Services, Inc.

Hearing Site: Minneapolis, Minnesota

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant [REDACTED] ("Claimant"): Erica Harris, Esq. and Dochter Kennedy, Esq., AdvisorLaw, LLC, Westminster, Colorado.

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

CASE INFORMATION

Statement of Claim filed on or about: January 4, 2019.
Claimant signed the Submission Agreement: January 4, 2019.

Statement of Answer filed on or about: February 26, 2019.
Respondent signed the Submission Agreement: January 16, 2019.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim seeking expungement of customer dispute information from his registration records maintained by the Central Registration Depository ("CRD").

In the Statement of Answer, Respondent concurred in Claimant's request for expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Number [REDACTED] from his CRD records, an award of 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 an award be issued recommending expungement and denying any and all relief requested against

Respondent.

At 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.

On or about June 28, 2019, Claimant filed an affidavit stating that the customer related to Occurrence Number [REDACTED] was deceased, as well as an obituary and a death record for the customer.

The Arbitrator conducted a recorded, telephonic hearing on July 30, 2019 so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent participated in the expungement hearing but did not contest the request for expungement. The Arbitrator took judicial notice that the customer related to Occurrence Number [REDACTED] is deceased and, therefore, could not participate in the expungement hearing.

The Arbitrator reviewed the BrokerCheck® Report for Claimant.

The Arbitrator noted that Occurrence Number [REDACTED] did not involve a settlement. Accordingly, the Arbitrator did not review any settlement documents.

The Arbitrator noted that Claimant 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: Claimant's testimony supported by the arguments of Claimant's counsel.

AWARD

After considering the pleadings and 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 CRD, 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; and
- The claim, allegation, or information is false.

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

The complaint did not concern a sales practice violation or any other professional misconduct. It was an attempt to gain leverage in an unrelated family dispute. The underlying issue was a dispute between the customer's uncles and the Claimant's mother about the division of money in the Claimant's grandmother's estate. That money had no relationship to the Claimant or to his employment in the securities industry. In addition to being unrelated to the Claimant's professional conduct, I found (and the reviewing court found) the complaint to be meritless. In fact, the court awarded damages to the Claimant in a defamation suit against the uncles. Publicizing an unrelated and meritless complaint provides no benefit to the investing public.

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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, 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 @ \$50.00/session		= \$ 50.00
Pre-hearing conference: April 29, 2019	1 session	

One (1) hearing session @ \$50.00/session		= \$ 50.00
Hearing Date: July 30, 2019	1 session	

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

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

ARBITRATOR

Barry Goldman

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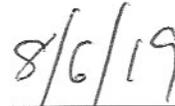
Sole Public Arbitrator

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



Barry Goldman
Sole Public Arbitrator



Signature Date

August 6, 2019

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