



In the Statement of Answer, Respondent requested denial of Claimant's claim of \$1.00 in compensatory damages, and that all forum fees for hearing sessions be assessed against Claimant.

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

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

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

The Arbitrator conducted a recorded telephonic hearing on July 22, 2019 so the parties could present oral argument and evidence on [REDACTED] request for expungement.

Claimant provided FINRA Office of Dispute Resolution with proof that the customer related to Occurrence Number [REDACTED] was notified of the expungement request and of their right to participate and testify at the expungement hearing. The customer was served a copy of the Statement of Claim with the notice. The customer did not participate in the expungement hearing and did not contest the request for expungement.

The Arbitrator reviewed the BrokerCheck® Report for [REDACTED]. The Arbitrator noted a settlement agreement was made after [REDACTED] had left the firm and the settlement amount was negligible. The Arbitrator noted [REDACTED] was not involved in the settlement, never had a copy of the settlement agreement, did not contribute to the settlement amount, and was not aware of a settlement until seven years later. The Arbitrator noted Respondent did not have a copy of the settlement.

The Arbitrator noted that [REDACTED] 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: pleadings, party submissions, and BrokerCheck® Report and testimony of [REDACTED]

### **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 Occurrence Number [REDACTED] from registration records maintained by the CRD for Claimant [REDACTED], Jr. (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 finding of fact:

The claim, allegation, or information is factually impossible or clearly erroneous.

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

The Arbitrator found there was no misrepresentation at the time and no basis for the claim. The customer's complaint did not involve any representation by the Claimant. The customer sought reversal/return of funds on the prior policy. Claimant had merely facilitated the transfer that the customer sought to reverse.

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
--------------------------	------------

#### **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 The Prudential Insurance Company of America 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 with a single arbitrator @ \$50.00/session	= \$ 50.00
Pre-hearing conference: May 30, 2019	1 session

One (1) hearing session @ \$50.00/session	= \$ 50.00
Hearing Date: July 22, 2019	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**

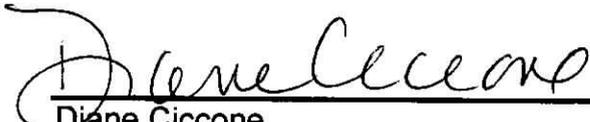
Diane Ciccone

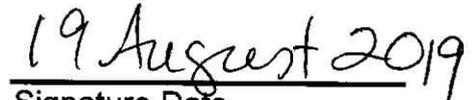
-

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**

  
\_\_\_\_\_  
Diane Ciccone  
Sole Public Arbitrator

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

**August 19, 2019**

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