

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

Pruco Securities, LLC

Hearing Site: Philadelphia, Pennsylvania

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████ Harris Freedman, Esq., AdvisorLaw, LLC,
Westminster, Colorado.

For Respondent Pruco Securities, LLC: Alan S. Brodherson, Esq., Law Office of Alan S.
Brodherson, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: December 20, 2018.

██████████ signed the Submission Agreement: December 20, 2018.

Statement of Answer filed by Respondent on or about: February 11, 2019.

Pruco Securities, LLC signed the Submission Agreement: February 4, 2019.

CASE SUMMARY

Claimant asserted the following cause of action: expungement.

Unless specifically admitted in the Statement of Answer, Respondent denied any allegations of wrongdoing and did not join-in, nor contest the request for expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Number ██████████ from the registration records maintained by the Central Registration Depository ("CRD"); compensatory damages in the amount of \$1.00; and any and all other relief the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that Claimant's claim of \$1.00 in compensatory damages be denied, 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 he has read the pleadings and other materials filed by the parties.

Claimant provided FINRA Office of Dispute Resolution with proof that the customer related to Occurrence Number [REDACTED] was notified of the expungement request, the date and time of the expungement hearing, 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 Arbitrator conducted a recorded telephonic hearing on July 12, 2019 so the parties could present oral argument and evidence on [REDACTED] request for expungement.

The customer in the underlying dispute related to Occurrence Number [REDACTED] did not participate in the expungement hearing and did not contest the request for expungement.

The Arbitrator reviewed the BrokerCheck® Report for [REDACTED] and the settlement documents, considered the amount of payments made to the customer, and considered other relevant terms and conditions of the settlement. The Arbitrator noted that the settlement was not conditioned on the customer not opposing the request for expungement. The Arbitrator also noted that [REDACTED] did not contribute to the settlement amount.

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, hearing exhibits, and Claimant's BrokerCheck® Report and testimony.

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:

Claimant's clear and convincing evidence and testimony demonstrate that the underlying claim against Claimant was both false and erroneous. The customer was an experienced investor. The record shows the terms of the annuity in question (including the early withdrawal penalty) were clearly explained to the customer by Claimant. The record shows the customer stated that he had 15 years of investment experience, including 4 years of annuity investment experience, and that he had a long-term horizon. The customer selected the specific annuity as part of a diversified \$850,000 portfolio. Claimant and the customer met frequently before and after the investment to discuss the portfolio.

The customer changed his investment strategy and wanted to take money out of the annuity early to invest in real estate. He filed his claim because the terms of the annuity required a penalty for early withdrawal, a fact he knew or should have known at the onset.

The customer's allegation that he was misled and unaware of the withdrawal penalty is not supported by the evidence. His allegation to the contrary is so clearly erroneous as to be false on its face. The nominal amount of the settlement and the non-participation of the Claimant in the settlement negotiation support this conclusion.

2. Any and all claims for relief not specifically addressed herein, including attorneys' fees, 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 giving rise to the dispute. Accordingly, as a party, Respondent Pruco Securities, LLC is assessed the following:

Member Surcharge	=\$ 150.00
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Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

June 26, 2019, postponement by Claimant	=\$ 50.00
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Total Postponements Fees	=\$ 50.00
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The Arbitrator assessed the \$50.00 postponement 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: April 25, 2019	1 session

One (1) hearing session @ \$50.00/session	=\$ 50.00
Hearing Date: July 12, 2019	1 session

Total Hearing Session Fees	=\$100.00
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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.

