

**Award**  
**FINRA Dispute Resolution Services**

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In the Matter of the Arbitration Between:

Claimant

Jason M. Klein d/b/a  
Jason M. Klein & Associates

Case Number: 18-04155

vs.

Respondent

Olga S. Hejl

Hearing Site: Detroit, Michigan

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Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

Nature of the Dispute: Associated Person vs. Associated Person

**REPRESENTATION OF PARTIES**

For Claimant Jason M. Klein d/b/a Jason M. Klein & Associates (“Claimant”): Samuel P. Mauch, Esq., Saretsky Hart Michaels + Gould PC, Birmingham, Michigan.

For Respondent Olga S. Hejl (“Respondent”): Salvatore W. Pirrotta, Esq., Miller Johnson, Grand Rapids, Michigan.

**CASE INFORMATION**

Statement of Claim and Request for Permanent Injunctive Relief filed on or about: December 7, 2018.

Claimant signed the Submission Agreement: December 5, 2018.

Answer to Counterclaim filed on or about: February 25, 2019.

Statement of Answer and Counterclaim filed on or about: January 21, 2019.

Respondent signed the Submission Agreement: January 29, 2019.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted the following causes of action: injunctive relief, breach of contract, tort-conversion, breach of fiduciary duty, unfair competition, violation of Michigan Uniform Trade Secrets Act, and tortious interference with business relationships. The causes of action related to Claimant’s allegations that, after Respondent’s employment with Claimant ended, Respondent solicited clients from Claimant’s practice.

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

In the Counterclaim, Respondent asserted the following causes of action: violations of FINRA Rules and defamation per se. The causes of action related to allegations that Claimant made defamatory statements about Respondent to third parties.

Unless specifically admitted in the Statement of Answer to Counterclaim, Claimant denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

### **RELIEF REQUESTED**

In the Statement of Claim and Request for Permanent Injunctive Relief, Claimant requested an award of the following:

- 1) That Respondent be permanently enjoined and restrained, directly and indirectly, and whether alone or in concert with others, including but not limited to, any officer, agent, employee, and/or representative of Respondent's new employer from doing any of the following:
  - a) Using, disclosing, or transmitting for any purpose, including solicitation of said clients, the information contained in Claimant's records, including, but not limited to, the names, addresses, email addresses, telephone numbers and account names of clients serviced by Claimant's practice; and
  - b) Soliciting any business from any clients of Claimant's practice and/or customers and/or accounts; and
- 2) Damages in an amount to be proven at hearing, including costs, attorneys' fees, and any other relief deemed appropriate by the Panel.

In the Statement of Answer and Counterclaim, Respondent requested that the Statement of Claim be dismissed with prejudice, that she be awarded any and all damages to which she is entitled, and that she be awarded her costs and actual attorneys' fees incurred in defending against the Statement of Claim and in prosecuting her Counterclaim.

In the Statement of Answer to Counterclaim, Claimant requested that the Counterclaim be dismissed in its entirety.

At the hearing, Respondent withdrew her Counterclaim.

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

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

In an Order dated December 21, 2018, the Panel denied Claimant's request for permanent injunction and ordered the parties to jointly move the court to modify or dissolve the court order.

The Award in this matter may be executed in counterpart copies.

**AWARD**

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

1. Claimant's claims are denied in their entirety.
2. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, treble damages, and attorneys' fees, are denied.

**FEES**

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

**Filing Fees**

FINRA Dispute Resolution Services assessed a filing fee\* for each claim:

Initial Claim Filing Fee	= \$	1,575.00
Counterclaim Filing Fee	= \$	1,575.00

*\*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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as Respondent's former firm, Ameriprise Financial Services, LLC is assessed the following:

Member Surcharge	= \$	1,900.00
Member Process Fee	= \$	3,750.00

**Postponement Fees**

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

January 28-30, 2020, postponement requested jointly by the parties	= \$	1,125.00
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Total Postponement Fees	= \$	1,125.00

The Panel has assessed the total postponement fees to Claimant.

**Injunctive Relief Fees**

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court.

Claimant is assessed:

Injunctive Relief Surcharge = \$ 2,500.00

**Discovery-Related Motion Fees**

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

Two (2) decisions on discovery-related motions on the papers with one (1) Arbitrator @ \$200.00/decision = \$ 400.00

Respondent submitted two (2) discovery-related motions

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Total Discovery-Related Motion Fees = \$ 400.00

The Panel has assessed the total discovery-related motion fees to Claimant.

**Hearing Session Fees and Assessments**

The Panel 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), which lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing sessions with the Panel @ \$1,125.00/session = \$ 2,250.00  
Pre-Hearing Conferences: January 31, 2019 1 session  
March 2, 2020 1 session

Eight (8) hearing sessions @ \$1,125.00/session = \$ 9,000.00  
Hearings: December 21, 2018 2 sessions  
September 21, 2021 2 sessions  
September 22, 2021 2 sessions  
September 23, 2021 2 sessions

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Total Hearing Session Fees = \$ 11,250.00

The Panel has assessed the total hearing session fees to Claimant.

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

**ARBITRATION PANEL**

Edward M. Olson	-	Non-Public Arbitrator, Presiding Chairperson
Raymond J. Sterling	-	Public Arbitrator
Ethan Ray	-	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.

**Concurring Arbitrators' Signatures**

**Edward M. Olson**

Edward M. Olson  
Non-Public Arbitrator, Presiding Chairperson

**11/09/2021**

Signature Date

**Raymond J. Sterling**

Raymond J. Sterling  
Public Arbitrator

**11/10/2021**

Signature Date

**Ethan Ray**

Ethan Ray  
Public Arbitrator

**11/09/2021**

Signature Date

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November 10, 2021

Date of Service (For FINRA Dispute Resolution Services use only)