

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Swan Sihua Shen

Case Number: 19-01686

vs.

Respondent
Cuna Brokerage Services, Inc.

Hearing Site: Boston, Massachusetts

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. Member

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Swan Sihua Shen: Jeremy L. Bartell, Esq., Bartell Law PLLC, Washington, District of Columbia.

For Respondent Cuna Brokerage Services, Inc.: Jennifer G. Chawla, Esq., Drinker Biddle & Reath LLP, Florham Park, New Jersey.

CASE INFORMATION

Statement of Claim filed on or about: June 17, 2019.

Swan Sihua Shen signed the Submission Agreement: June 16, 2019.

Statement of Answer filed by Respondent on or about: August 7, 2019.

Cuna Brokerage Services, Inc. signed the Submission Agreement: August 6, 2019.

CASE SUMMARY

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

In the Statement of Answer, Respondent took no position on Claimant’s expungement request made in the Statement of Claim.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: expungement of Occurrence Numbers 1900370 and 1198801.

In the Statement of Answer, Respondent did not set forth a specific relief request.

OTHER ISSUES CONSIDERED AND DECIDED

The Panel acknowledges having read the pleadings and other materials filed by the parties.

On September 14, 2021, Claimant filed a Stipulated Notice of Withdrawal without Prejudice of the request for expungement of Occurrence Number 1198801. Therefore, the Panel made no determination with respect to the request for expungement of Occurrence Number 1198801.

On September 21, 2021, Claimant advised that the customer in Occurrence Number 1900370 was served with the Statement of Claim and notice of the date and time of the expungement hearing.

The Panel conducted a recorded hearing by videoconference on September 22, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent did not participate in the expungement hearing.

The customer related to Occurrence Number 1900370 also did not participate in the expungement hearing. The Arbitrator found that the customer had notice of the expungement request and hearing.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement 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 request for expungement of Occurrence Number 1900370 from registration records maintained by the CRD is denied.

FEES

Pursuant to the Code, 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
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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 events giving rise to the dispute. Accordingly, as a party, Respondent Cuna Brokerage Services, Inc. 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:

March 27, 2020, postponement requested by the parties	WAIVED
April 27, 2021, postponement requested by the parties.	= \$ 1,125.00

Total Postponement Fees	= \$ 1,125.00
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The Arbitrator has assessed the total postponement fees to Claimant.

Last-Minute Cancellation Fees

Fees apply when a hearing on the merits is cancelled within ten calendar days before the start of a scheduled hearing session:

April 27, 2021, cancellation requested by the parties.	= \$ 1,800.00
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Total Last-Minute Cancellation Fees	= \$ 1,800.00
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The Arbitrator has assessed the total last-minute cancellation 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 Arbitrators, including a pre-hearing conference with the Arbitrators, which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session with a single Arbitrator @ \$1,125.00/session	= \$ 1,125.00
Pre-Hearing Conference: October 1, 2019	1 session

One (1) hearing session on expungement request @ \$1,125.00/session	= \$ 1,125.00
Hearing: September 22, 2021	1 session

Total Hearing Session Fees	= \$ 2,250.00
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The Arbitrator 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

Arthur J. Giacomarra	-	Public Arbitrator, Presiding Chairperson
Richard J. Grahn	-	Public Arbitrator
Mark Andrew Helman	-	Non-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

Arthur J. Giacomarra

Arthur J. Giacomarra
Public Arbitrator, Presiding Chairperson

12/03/2021

Signature Date

Richard J. Grahn

Richard J. Grahn
Public Arbitrator

12/02/2021

Signature Date

Mark Andrew Helman

Mark Andrew Helman
Non-Public Arbitrator

12/02/2021

Signature Date

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December 03, 2021

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