

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

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In the Matter of the Arbitration Between:

Claimant  
Scott Ratajczak

Case Number: 19-02202

vs.

Respondent  
Ameriprise Financial Services, LLC

Hearing Site: Jersey City, New Jersey

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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. Member

The evidentiary hearing was conducted by videoconference.

**REPRESENTATION OF PARTIES**

For Claimant Scott Ratajczak: Christopher P. Milazzo, Esq., Carmel, Milazzo & Feil LLP, New York, New York.

For Respondent Ameriprise Financial Services, LLC: Julie Fleming-Wolfe, Esq., Fleming-Wolfe Law, P.A., St. Paul, Minnesota.

**CASE INFORMATION**

Statement of Claim filed on or about: August 6, 2019.  
Scott Ratajczak signed the Submission Agreement: August 6, 2019.

Statement of Answer filed by Respondent on or about: November 4, 2019.  
Ameriprise Financial Services, LLC signed the Submission Agreement: October 31, 2019.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted the following causes of action: defamation, prima facie tort, and Form U5 expungement.

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

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested: compensatory damages in an amount to be determined at hearing, but in no event less than \$500,000.00, together with interest thereon from February 29, 2016; punitive damages; expunging the entry on Claimant's Form U5 and replacing said entry with the following explanation: "Terminated without cause"; costs and disbursements, including reasonable attorneys' fees; and for such other and further relief as the Panel deems just, equitable and proper.

In the Statement of Answer, Respondent requested that the Panel deny Claimant's claims in their entirety and that Respondent be awarded its costs, filing and related FINRA fees, attorneys' fees, and such other and further relief as the Panel deems just and warranted.

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

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

On August 20, 2021, Claimant filed a notice that the parties agreed to a settlement on Claimant's monetary claims and that Claimant will be proceeding with the remaining expungement claim.

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

### **AWARD**

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

1. The Panel recommends the expungement of the Reason for Termination and Termination Explanation in Section 3 of Scott Ratajczak's (CRD Number 5034905) Form U5 filed by Ameriprise Financial Services, LLC (CRD Number 6363) on March 11, 2016 and maintained by the Central Registration Depository ("CRD"). The Reason for Termination shall be changed to "Voluntary" and the Termination Explanation should be deleted in its entirety and shall appear blank. This directive shall apply to all references to the Reason for Termination and Termination Explanation.

The Panel recommends expungement based on the defamatory nature of the information. The above recommendations are made with the understanding that the registration records are not automatically amended. Scott Ratajczak must forward a copy of this Award to FINRA's Credentialing, Registration, Education and Disclosure Department for review.

2. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages and attorneys' fees, are denied.

### **FEES**

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

**Filing Fees**

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

Initial Claim Filing Fee = \$ 1,725.00

*\*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 Ameriprise Financial Services, Inc. is assessed the following:

Member Surcharge = \$ 2,475.00

Member Process Fee = \$ 5,075.00

**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:

Three (3) pre-hearing sessions with the Panel @ \$1,300.00/session = \$ 3,900.00

Pre-Hearing Conferences: January 10, 2020 1 session

September 29, 2020 1 session

June 15, 2021 1 session

One (1) hearing session @ \$1,300.00/session = \$ 1,300.00

Hearing: September 7, 2021 1 session

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Total Hearing Session Fees = \$ 5,200.00

The Panel has assessed \$2,600.00 of the hearing session fees to Claimant.

The Panel has assessed \$2,600.00 of the hearing session fees to Respondent.

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

**ARBITRATION PANEL**

Robert E. Anderson	-	Public Arbitrator, Presiding Chairperson
Catherine Stewart	-	Public Arbitrator
John Herbert Grefe	-	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**

***Robert E. Anderson***

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Robert E. Anderson  
Public Arbitrator, Presiding Chairperson

**09/09/2021**

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

***Catherine Stewart***

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Catherine Stewart  
Public Arbitrator

**09/09/2021**

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

***John Herbert Grefe***

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John Herbert Grefe  
Non-Public Arbitrator

**09/13/2021**

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

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September 13, 2021

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