

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

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In the Matter of the Arbitration Between:

Claimant  
Kenneth Sean Lynn

Case Number: 19-02674

vs.

Respondent  
Charles Schwab & Co., Inc.

Hearing Site: New York, New York

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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 Kenneth Sean Lynn: Dochter Kennedy, MBA, J.D. and Chelsea Masters, Esq., Advisor Law, LLC, Westminster, Colorado.

For Respondent Charles Schwab & Co., Inc.: Christopher F. Robertson, Esq. and Christopher W. Kelleher, Esq., Seyfarth Shaw LLP, Boston, Massachusetts.

**CASE INFORMATION**

Statement of Claim filed on or about: September 4, 2019.  
Kenneth Sean Lynn signed the Submission Agreement: September 4, 2019.

Statement of Answer filed by Respondent on or about: October 23, 2019.  
Charles Schwab & Co., Inc. signed the Submission Agreement: September 11, 2019.

**CASE SUMMARY**

Claimant asserted the following causes of action: expungement of Form U5 termination based on the defamatory nature of the entry.

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 an award granting expungement of the Form U5 amendments, and those relevant portions of the Form U4, from his CRD record on the basis that the statement is defamatory in nature, misleading, inaccurate, and/or erroneous, to include an amendment of the Reason for Termination entry in Section 3 of Claimant's Form U5 to read "Voluntary;" subsequent expungement of the Reason for Termination explanation on Claimant's CRD; expungement of the "Yes" answer to Questions 7F(1) and/or 7F(2) of Claimant's Form U5, amended those "yes" responses to "No;" and a deletion of any accompanying Internal Review and Termination Disclosure Reporting Pages in their entirety; an award of damages in the amount of \$1.00; and any other relief as the arbitration Panel deems just and equitable.

In the Statement of Answer, Respondent requested that Claimant's claims lack merit and should be dismissed in their entirety with prejudice; Claimant take nothing by any of his claims; Claimant be assessed all arbitration fees and costs; and for such other relief to which Respondent is justly entitled.

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

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

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

### **AWARD**

After considering the pleadings, 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. Claimant's claims are denied in their entirety.
2. Any and all claims for relief not specifically addressed herein 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 =\$ 50.00

*\*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 event giving rise to the dispute. Accordingly, as a party, Respondent Charles Schwab & Co., Inc. is assessed the following:

Member Surcharge = \$ 150.00

**Postponement Fees**

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

October 20-21, 2020, postponement requested by Respondent = \$ 50.00

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Total Postponement Fees = \$ 50.00

The Arbitrator has assessed the total postponement fees to Respondent.

**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:

October 20-21, 2020, cancellation requested Respondent = \$ 600.00

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Total Last-Minute Cancellation Fees = \$ 600.00

The Arbitrator has assessed the total last-minute cancellation fees to Respondent.

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

Three (3) pre-hearing sessions with a single Arbitrator @ \$50.00/session = \$ 150.00

Pre-hearing Conferences: December 18, 2019 1 session  
June 9, 2020 1 session  
October 20, 2020 1 session

Three (3) hearing sessions @ \$50.00/session = \$ 150.00

Hearing Dates: December 15, 2020 2 sessions  
December 16, 2020 1 session

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Total Hearing Session Fees = \$ 300.00

The Arbitrator has assessed \$250.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$50.00 of the hearing session fees to Respondent.

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

**ARBITRATOR**

Ann C. Northern

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Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

**Arbitrator's Signature**

***Ann C. Northern***

Ann C. Northern  
Sole Public Arbitrator

**01/11/2021**

Signature Date

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January 11, 2021

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