

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

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In the Matter of the Arbitration Between:

Claimant  
Christopher R. Bice

Case Number: 19-03049

vs.

Respondent  
UBS Financial Services Inc.

Hearing Site: Charlotte, North Carolina

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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

**REPRESENTATION OF PARTIES**

For Claimant Christopher R. Bice: Doctor Kennedy, MBA, J.D. and Frances Menzer, Esq., AdvisorLaw LLC, Westminster, Colorado.

For Respondent UBS Financial Services Inc.: Omar Perez, Esq., UBS Business Solutions US LLC, Nashville, Tennessee.

**CASE INFORMATION**

Statement of Claim filed on or about: October 9, 2019.

Christopher R. Bice signed the Submission Agreement: October 9, 2019.

Statement of Answer filed by Respondent on or about: November 29, 2019.

UBS Financial Services Inc. signed the Submission Agreement: October 16, 2019.

**CASE SUMMARY**

Claimant asserted the following cause of action: expungement of Form U5 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 7F(2) of Claimant's Form U5, amending those "Yes" responses to "No;" expungement of the "Yes" answers to Questions 14J(1) and 14J(2) of Claimant's Form U4, amending 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 deemed just and equitable.

In the Statement of Answer, Respondent requested that the claim should be denied, and Claimant should take nothing from this action.

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, and any post-hearing submission, 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 UBS Financial Services Inc. is assessed the following:

Member Surcharge = \$ 150.00

**Postponement Fees**

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

May 19, 2020, postponement requested by Claimant Waived

**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:

Two (2) pre-hearing sessions with a single Arbitrator @ \$50.00/session	= \$ 100.00
Pre-hearing Conferences: January 30, 2020	1 session
February 5, 2020	1 session

Two (2) hearing sessions @ \$50.00/session	= \$ 100.00
Hearing Dates: November 17, 2020	1 session
January 11, 2020	1 session

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Total Hearing Session Fees = \$ 200.00

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.

**ARBITRATOR**

Lynne T. Albert

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Sole 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.

**Arbitrator's Signature**

***Lynne T. Albert***

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Lynne T. Albert  
Sole Public Arbitrator

**01/15/2021**

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

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January 19, 2021

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