

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

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In the Matter of the Arbitration Between:

Claimant  
Carole Dill Rauf

Case Number: 19-03115

vs.

Respondents  
T. Rowe Price Investment Services, Inc.,  
Jennifer Joy Farmer, Romelio Antonio Flores, and  
Michelle Lane

Hearing Site: Cincinnati, Ohio

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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: Customer vs. Member, Associated Persons, and Non-Member

The evidentiary hearing was conducted by videoconference.

**REPRESENTATION OF PARTIES**

Claimant Carole Dill Rauf (“Claimant”) appeared pro se.

For Respondents T. Rowe Price Investment Services, Inc. (“TRPIS”), Jennifer Joy Farmer (“Farmer”), Romelio Antonio Flores (“Flores”) (collectively “Respondents”): Daniel J. Donovan, Esq., Donovan & Rainie, LLC, Baltimore, Maryland.

Respondent Michelle Lane (“Lane”) did not enter an appearance in this matter.

**CASE INFORMATION**

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

Response to Statement of Answer filed on or about:

Claimant signed the Submission Agreement: October 9, 2019.

Statement of Answer filed by Respondents on or about:

TRPIS signed the Submission Agreement: February 10, 2020.

Farmer and Flores signed the Submission Agreement: February 6, 2020.

Lane did not file a Statement of Answer or sign the Submission Agreement.

### **CASE SUMMARY**

In the Statement of Claim, Claimant alleged that when she attempted transfer funds from her Roth IRA, including proceeds from liquidating two stocks, 3D Systems (DDD) and Stratasys (SSYS), and government funds (FDRXX), in order to invest in a Roth mutual fund which TRPIS was the custodian, Janus Triton Fund (JATTX), TRPIS transferred almost 64 times the amount Claimant had authorized, before returning the funds to her Fidelity account after 17 days.

Unless specifically admitted in the Statement of Answer, Respondents 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, including \$416.93 as interest on the amount of the funds transferred, \$700.00 for time on telephone calls, \$1,300.00 for letters (including faxes) and postage; \$2,000.00 in punitive damages; and \$175.00 as reimbursement for her FINRA filing fees.

In the Statement of Answer, Respondents requested that all of Claimant's claims be dismissed with prejudice and that the Arbitrator award TRPIS its attorneys' fees.

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

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

Lane is not a member or associated person of FINRA and did not voluntarily submit to arbitration. Therefore, the Arbitrator made no determination with respect to the claims against Lane.

During the evidentiary hearing, Respondents made an oral motion to dismiss Claimant's claims for failure to state a claim and for failure to prove her case. On the record at the hearing, the Arbitrator denied the motion to dismiss and, herein, confirms his decision. Respondents also made an oral motion to dismiss Farmer and Flores with prejudice, to which Claimant did not object. On the record at the hearing, the Arbitrator granted the oral motion to dismiss Farmer and Flores and, herein, confirms his decision.

The Arbitrator has provided an explanation of his decision in this award. The explanation is for the information of the parties only and is not precedential in nature.

### **AWARD**

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

1. TRPIS is liable for and shall pay to Claimant the sum of \$2,416.93 in compensatory damages.

2. TRPIS is liable for and shall pay to Claimant \$50.00 to reimburse Claimant for the nonrefundable portion of the filing fee previously paid to FINRA Dispute Resolution Services.
3. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, treble damages, and attorneys' fees, are denied.

### **EXPLAINED DECISION**

The Arbitrator has made the decision based on the following reasons:

This case does not warrant punitive damages as TRPIS attempted to resolve their mistakes and did finally restore Claimant's accounts to the desired actions, albeit only after considerable time, effort, and consternation of Claimant. Claimant appears to not have suffered any additional loss from the loss of use or access to her funds for approximately 17 days, other than her claim of lost interest. This case cried out to be settled as I previously advised the parties.

### **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	= \$	175.00
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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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, TRPIS is assessed the following:

Member Surcharge	= \$	150.00
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#### **Contested Motion for Issuance of Subpoena Fees**

Fees apply for each decision on a contested motion for the issuance of a subpoena.

One (1) decision on a contested motion for the issuance of a subpoena with one Arbitrator @ \$200.00	= \$	200.00
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Total Contested Motion for Issuance of Subpoena Fees	= \$	200.00
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The Arbitrator has assessed \$100.00 of the contested motion for issuance of subpoena fees to Claimant.

The Arbitrator has assessed \$100.00 of the contested motion for issuance of subpoena fees to TRPIS.

**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:

Five (5) pre-hearing sessions @ \$125.00/session		= \$	625.00
Pre-Hearing Conferences:			
March 17, 2020	1 session		
May 29, 2020	1 session		
September 15, 2020	1 session		
March 10, 2021	1 session		
May 5, 2021	1 session		
Two (2) hearing sessions @ \$450.00/session		= \$	250.00
Hearings:			
May 6, 2021	2 sessions		
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Total Hearing Session Fees		= \$	875.00

The Arbitrator has assessed \$437.50 of the hearing session fees to Claimant.

The Arbitrator has assessed \$437.50 of the hearing session fees to TRPIS.

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

**ARBITRATOR**

Lawrence W. Arness

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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**

***Lawrence W. Arness***

Lawrence W. Arness  
Sole Public Arbitrator

**05/14/2021**

Signature Date

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May 14, 2021

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