

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

---

In the Matter of the Arbitration Between:

Claimant

Clinton Matthew Rinehart

Case Number: 19-03654

vs.

Respondent

Fidelity Brokerage Services LLC

Hearing Site: Cincinnati, Ohio

---

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 Clinton Matthew Rinehart (“Claimant”): Mary O’Donnell, Esq. and Docthor Kennedy, Esq., Advisor Law, LLC, Westminster, Colorado.

For Respondent Fidelity Brokerage Services LLC (“Respondent”): David I. Hantman, Esq., Bressler Amery & Ross, New York, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: December 11, 2019.

Claimant signed the Submission Agreement: December 11, 2019.

Statement of Answer filed on or about: January 30, 2020.

Respondent signed the Submission Agreement: February 10, 2020.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim alleging that the Form U5 filed by Respondent, as part of registration records maintained by the Central Registration Depository (“CRD”), is defamatory in nature.

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of the Form U5 filed by Respondent and relevant portions of the related Form U4, compensatory damages in the amount of \$1.00, and any other relief as the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested the Arbitrator dismiss Claimant's Statement of Claim in its entirety and deny his request for expungement of the Form U5, assess all forum fees and costs against Claimant, and grant Respondent such other, further, and different relief as the Arbitrator may deem appropriate.

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

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

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

On October 20, 2021, Claimant filed a Motion for Zoom Hearing. On October 25, 2021, Respondent filed an Opposition to the Motion for Zoom Hearing. In an Order dated November 1, 2021, the Arbitrator granted the Motion for Zoom Hearing.

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 The explanation is for the information of the parties only and is not precedential in nature.

### **EXPLAINED DECISION**

Claimant's contention that the allegations are factually inaccurate is not supported by credible evidence. Claimant neither had the required verbal conversation with clients nor proffered credible testimony to the effect that any "upcoming verbal conversation scheduled" had, in fact, been planned, as averred in March 2020 correspondence to the CFP Professional Standards Department.

### **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. Claimant's request for expungement of his Form U5 is denied.
2. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, treble damages, and attorneys' fees, are denied.

### **FEES**

Pursuant to the Code of Arbitration Procedure, 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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge = \$ 150.00

**Postponement Fees**

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

October 6-7, 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:

Three (3) pre-hearing sessions @ \$50.00/session		= \$	150.00
Pre-Hearing Conferences:			
March 25, 2020	1 session		
January 13, 2021	1 session		
November 1, 2021	1 session		

Three (3) hearing sessions @ \$50.00/session		= \$	150.00
Hearings:			
November 9, 2021	2 sessions		
November 10, 2021	1 session		

---

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**

Richard W. Dissen

-

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**

***Richard W. Dissen***

Richard W. Dissen  
Sole Public Arbitrator

**11/15/2021**

Signature Date

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.

November 15, 2021

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