

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

Richard Harrison Streisfeld

Case Number: 19-03667

vs.

Respondent

Citigroup Global Markets, Inc.

Hearing Site: New York, New York

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 Richard Harrison Streisfeld: Amy B. Bard, Esq., Law Offices of Amy Bard, Glen Ridge, New Jersey.

For Respondent Citigroup Global Markets, Inc.: Adam M. Kauff, Esq., Kauff Laton Miller LLP, New York, New York.

CASE INFORMATION

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

Richard Harrison Streisfeld signed the Submission Agreement: November 22, 2019.

Statement of Answer filed by Respondent on or about: February 10, 2020.

Citigroup Global Markets, Inc. signed the Submission Agreement: December 11, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim seeking expungement of customer dispute information from registration records maintained by the Central Registration Depository (“CRD”).

In the Statement of Answer, Respondent did not oppose Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Numbers 276641 and 1268678; compensatory damages in the amount of \$1.00 from Respondent; and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that Claimant's request for \$1.00 in compensatory damages be denied.

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.

On November 4, 2020, Claimant advised that the customers in Occurrence Numbers 276641 and 1268678 were served with the Statement of Claim and were served with notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded, virtual hearing on December 9, 2020 so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent participated in the expungement hearing did not oppose the request for expungement.

The customers for Occurrence Number 276641 and 1268678 did not participate in the expungement hearing. The Arbitrator found that the customers had notice of the expungement request and hearing.

The Arbitrator reviewed Claimant's BrokerCheck® Report. The Arbitrator noted that a prior arbitration panel or court did not previously rule on expungement of the same occurrences in the CRD.

The Arbitrator was unable to review the settlement document related to Occurrence Number 276641 due to the age of the underlying Occurrence, no customer records or the actual Settlement Agreement disposing of the claim were available. The Arbitrator considered the amount of payment made to the customer to the settlement. Based on Claimant's testimony, the Arbitrator noted that the settlement was not conditioned on the customer not opposing the expungement request and that Claimant did not contribute to the settlement amount.

The Arbitrator noted that the dispute related to Occurrence Number 1268678 was not settled and, therefore, there were no settlement documents to review.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: the pleadings; Claimant's testimony and Claimant's BrokerCheck® Report.

AWARD

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

1. The Arbitrator recommends the expungement of all references to Occurrence Number 276641 from registration records maintained by the CRD for Claimant Richard Harrison Streisfeld (CRD Number 1956050) with the understanding that, pursuant to Notice to Members 04-16, Claimant Richard Harrison Streisfeld must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 13805 of the Code of Arbitration Procedure ("Code"), the Arbitrator has made the following Rule 2080 affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous; the registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds; and the claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 findings based on the following reasons:

The customer opened an account at Pristine Capital Management ("Pristine"), a money management firm. The account was to be managed on a discretionary basis by Pristine. The account was open for a short period of time. The customer decided to close the account after some declines in the account. Thereafter, the customer filed a complaint against Claimant and Pristine. Subsequently, Claimant was informed that Respondent, which had purchased Pristine, had settled the case. Claimant did not participate in the settlement, but at a later point was informed by Smith Barney that Pristine had entered into a settlement with the customer. At some time, Citigroup Global Markets, which had purchased Smith Barney, amended Claimant's CRD to reflect this as a "customer dispute", and that this complaint was settled for \$25,125.00.

Based on the evidence set forth herein and the facts adduced during the expungement hearing, Claimant had no involvement with the investment decisions, asset management, or other decisions or activities with respect to the Pristine account or the securities deposited therein, and any claims of wrongdoing with respect to Claimant's conduct should be expunged on the grounds that the complaint is factually impossible, clearly erroneous and false.

2. The Arbitrator recommends the expungement of all references to Occurrence Number 1268678 from registration records maintained by the CRD for Claimant Richard Harrison Streisfeld (CRD Number 1956050) with the understanding that, pursuant to Notice to Members 04-16, Claimant Richard Harrison Streisfeld must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 13805 of the Code of Arbitration Procedure (“Code”), the Arbitrator has made the following Rule 2080 affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous; and the claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 findings based on the following reasons:

This is a customer complaint file by the customer in 2005. The customer was referred to Claimant by another client and opened a Rollover IRA account in or around 1998. At the time the customer opened the account, he indicated that his primary objective was growth, that his risk tolerance was aggressive and that his objectives allowed for speculation. The complaint was denied by Respondent.

Based on the evidence set forth herein and the facts adduced during the expungement hearing, any claims of wrongdoing with respect to Claimant’s conduct should be expunged on the grounds that the complaint is factually impossible, clearly erroneous and false.

3. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the 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 events giving rise to the dispute. Accordingly, as a party, Respondent Citigroup Global Markets, Inc. is assessed the following:

Member Surcharge =\$ 150.00

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: March 23, 2020	1 session
November 4, 2020	1 session
One (1) hearing session on expungement request @ \$50.00/session	= \$ 50.00
Hearing Date: December 9, 2020	1 session
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Total Hearing Session Fees	= \$ 150.00

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

James M. Rhodes

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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

James M. Rhodes

James M. Rhodes
Sole Public Arbitrator

01/15/2021

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.

January 15, 2021

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