

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Brian Bertrand

Case Number: 20-00461

vs.

Respondent
Charles Schwab & Co., Inc.

Hearing Site: Dallas, Texas

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

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Brian Bertrand (“Claimant”): Kristian P. Kraszewski, Esq., Kyros Law, Coral Gables, Florida.

For Respondent Charles Schwab & Co., Inc. (“Respondent”): Gregory M. Scanlon, Esq., Charles Schwab & Co., Inc., Lone Tree, Colorado.

CASE INFORMATION

Statement of Claim filed on or about: February 10, 2020.
Claimant signed the Submission Agreement: February 7, 2020.

Statement of Answer filed on or about: April 14, 2020.
Respondent signed the Submission Agreement: April 14, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: negligence and breach of contract. The causes of action related to Claimant’s allegation that his account was accessed by an unauthorized third-party and funds were stolen.

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 \$20,000.00 in compensatory damages, plus interest, costs, attorneys' fees, punitive damages, and such other damages as the Arbitrator deems appropriate.

In the Statement of Answer, Respondent requested the Arbitrator dismiss Claimant's Statement of Claim in its entirety and assess all forum fees and costs against Claimant.

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 submissions, 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, 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 = \$ 425.00

**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 = \$ 450.00

Postponement Fees

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

December 2-3, 2021, postponement requested by Respondent = \$ 450.00

Total Postponement Fees = \$ 450.00

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:

December 2-3, 2021, cancellation requested by Respondent	= \$	600.00
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:

Two (2) pre-hearing sessions @ \$450.00/session	= \$	900.00
Pre-Hearing Conferences: June 1, 2020	1 session	
March 11, 2021	1 session	
One (1) hearing session @ \$450.00/session	= \$	450.00
Hearing: December 8, 2021	1 session	
Total Hearing Session Fees	= \$	1,350.00

The Arbitrator has assessed \$675.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$675.00 of the hearing session fees to Respondent.

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

ARBITRATOR

Bill Lamoreaux

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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

Bill Lamoreaux

Bill Lamoreaux
Sole Public Arbitrator

12/10/2021

Signature Date

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December 10, 2021

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