

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Gerard Thaddeus Taylor

Case Number: 20-00491

vs.

Respondent
Wells Fargo Advisors Financial Network, LLC

Hearing Site: Detroit, Michigan

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 Gerard Thaddeus Taylor (“Claimant”): Michael Bessette, Esq., HLBS Law, Westminster, Colorado.

For Respondent Wells Fargo Advisors Financial Network, LLC (“Respondent”): Demian J. Betz, Esq., Wells Fargo Legal Department, Charlotte, North Carolina.

CASE INFORMATION

Statement of Claim filed on or about: February 12, 2020.
Claimant signed the Submission Agreement: February 11, 2020.

Statement of Answer filed on or about: June 12, 2020.
Respondent signed the Submission Agreement: June 12, 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 took no position on Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Numbers 1191816 and 1325476, compensatory damages in the amount of \$1.00, and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent did not request any relief.

At 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 September 17, 2020, Claimant advised that the customer in Occurrence Number 1325476 (“Customer”) was served with the Statement of Claim and notice of the date and time of the expungement hearing (“Notice”). Claimant also filed a copy of the Death Record for the customer in Occurrence Number 1191816. On September 22, 2020, Claimant filed an Affidavit confirming that the Customer was served with the Notice. Claimant also filed a copy of the FedEx tracking information available online for the Notice.

The Arbitrator conducted recorded, telephonic hearings on October 28, 2020 and February 1, 2021, so the parties could present oral argument and evidence on Claimant’s request for expungement.

Respondent participated in the expungement hearings and, as stated in the Statement of Answer, took no position with respect to the request for expungement.

The Customer did not participate in the expungement 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 noted that the dispute related to Occurrence Number 1191816 was not settled and, therefore, there was no settlement documentation to review.

In recommending expungement of Occurrence Number 1191816, the Arbitrator relied upon the following documentary or other evidence: Statement of Claim, Statement of Answer, Claimant’s Exhibits, Claimant’s BrokerCheck® Report, Claimant’s testimony, and the representations of legal counsel.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, and any post-hearing submissions, 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 1191816 from registration records maintained by the CRD for Claimant Gerard Thaddeus Taylor (CRD Number 1748899) with the understanding that, pursuant to Notice to Members 04-16, Claimant Gerard Thaddeus Taylor 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 finding 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 finding based on the following reasons:

The allegations of the Customer against Claimant are found to be clearly erroneous and false. The Arbitrator notes that, according to the evidence, the Putnam mutual fund investment at issue, which the Customer asserted was unsuitable in her complaint, was in fact a suitable investment for the Customer at the time it was purchased, based on the Customer’s investment objectives, experience, and financial posture. The Customer’s complaint was made some 3 years after the subject investment. Any loss in the subject investment is found to have been the result of the market downturn during 2000-2002. The Arbitrator also notes that the Customer’s complaint was reviewed by Respondent and the complaint was denied. The Customer did not pursue her complaint further.

2. Claimant’s request for expungement of Occurrence Number 1325476 from his registration records maintained by the CRD is denied.
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 firms that employed the associated persons at the time of the events giving rise to the dispute. Accordingly, as a party, Respondent 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 @ \$50.00/session		= \$	100.00
Pre-Hearing Conferences: July 16, 2020	1 session		
August 27, 2020	1 session		
Two (2) hearing sessions on expungement request @ \$50.00/session			
Hearings: October 28, 2020	1 session	= \$	50.00
February 1, 2021	1 session		Waived
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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

Patrick R. Sughroue

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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

Patrick R. Sughroue

Patrick R. Sughroue
Sole Public Arbitrator

02/24/2021

Signature Date

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February 24, 2021

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