

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Brok-Alan Woodward-Griffith

Case Number: 20-00518

vs.

Respondent
Fidelity Brokerage Services LLC

Hearing Site: Manchester, New
Hampshire

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 Brok-Alan Woodward-Griffith: Doctor Kennedy, MBA, J.D., and Chelsea Masters, Esq., AdvisorLaw LLC, Westminster, Colorado.

For Respondent Fidelity Brokerage Services LLC: David I. Hantman, Esq., Bressler, Amery & Ross, P.C., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: February 12, 2020.

Brok-Alan Woodward-Griffith signed the Submission Agreement: February 12, 2020.

Statement of Answer filed by Respondent on or about: April 6, 2020.

Fidelity Brokerage Services LLC signed the Submission Agreement on or about: March 12, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim seeking expungement of Form U5 termination entry based on the defamatory nature of the entry in Claimant's Central Registration Depository ("CRD") records.

In the Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested an award granting expungement of the Form U5 amendments, and those relevant portions of the Form U4, from Claimant's CRD record on the basis that the statement is defamatory in nature, misleading, inaccurate, and/or erroneous, to include an expungement of the Reason for Termination explanation on Claimant's CRD; expungement of the answer to Question 7F(2) and a deletion of any of the accompanying Internal Review and Termination Disclosure Reporting Pages in their entirety; in the absence of a finding of expungement of both reportings, that one of the two identical termination disclosures on Claimant's BrokerCheck® record be rescinded or amended, as the two entries refer to the same, single termination event; compensatory damages in the amount of \$1.00; and any other relief as the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 that the Statement of Claim be denied in its entirety, including Claimant's request for expungement of the language in his Form U5; that all forum fees and costs be assessed against Claimant; and for such other, further and different relief as the Arbitrator may deem appropriate.

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.

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. Claimant's claims are denied in their entirety.
2. Claimant's request for expungement of his registration records maintained by the CRD is denied.
3. Any and all claims for relief not specifically addressed herein are denied.

ARBITRATOR'S EXPLANATION OF DECISION

Claimant's request for expungement of his CRD is denied. The Claimant's termination was voluntary. Respondent was conducting an investigation into Claimant's expense account and his use of the Corporate Credit Card at the time of the resignation. The resignation occurred prior to the completion of the investigation. Respondent completed the Form U5 as required by FINRA. The Form U5 reporting of Claimant's termination is accurate and is not defamatory in nature.

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
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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 Fidelity Brokerage Services LLC is assessed the following:

Member Surcharge	=\$	150.00
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Postponement Fees

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

September 29-30, October 1, 2021, postponement requested by Claimant	=\$	50.00
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Total Postponement Fees	=\$	50.00
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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:

September 29-30, October 1, 2021, cancellation requested by Claimant	=\$	600.00
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Total Last-Minute Cancellation Fees	=\$	600.00
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The Arbitrator has assessed the total last-minute cancellation fees to Respondent.

Discovery-Related Motion Fee

Fees apply for each decision rendered on a discovery-related motion.

Two (2) decisions on a discovery-related motion on the papers with one (1) Arbitrator @ \$200.00/decision	=\$	400.00
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Claimant submitted one (1) discovery-related motion
Respondent submitted one (1) discovery-related motion

Total Discovery-Related Motion Fees	=\$	400.00
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The Arbitrator has assessed \$300.00 of the discovery-related motion fees to Claimant.

The Arbitrator has assessed \$100.00 of the discovery-related motion 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:

Four (4) pre-hearing sessions with a single Arbitrator @ \$50.00/session	= \$	200.00
Pre-Hearing Conferences: June 8, 2020	1 session	
December 8, 2020	1 session	
April 6, 2021	1 session	
September 27, 2021	1 session	
Three (3) hearing sessions on expungement request @ \$50.00/session	= \$	150.00
Hearing: January 26, 2022	2 sessions	
January 27, 2022	1 session	
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Total Hearing Session Fees	= \$	350.00

The Arbitrator has assessed \$250.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$100.00 of the hearing session fees to Respondent.

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

ARBITRATOR

Jim Geiger

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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

Jim Geiger

Jim Geiger
Sole Public Arbitrator

02/11/2022

Signature Date

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February 11, 2022

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