

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

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In the Matter of the Arbitration Between:

Claimant

Matthew Joseph Sotland

Case Number: 20-00767

vs.

Respondent

UBS Financial Services Inc.

Hearing Site: Buffalo, New York

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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 Matthew Joseph Sotland: Doctor Kennedy, MBA, J.D., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent UBS Financial Services Inc.: Melissa J. Gworek, Esq., UBS Business Solutions US LLC, Nashville, Tennessee.

**CASE INFORMATION**

Statement of Claim filed on or about: March 6, 2020.

Matthew Joseph Sotland signed the Submission Agreement: March 6, 2020.

Statement of Answer filed by Respondent on or about: April 28, 2020.

UBS Financial Services Inc. signed the Submission Agreement: March 9, 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 Number 1953930; 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 did not set forth a specific relief request.

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 December 28, 2020, Claimant advised that the customer in Occurrence Number 1953930 was served with the Statement of Claim and notice of the date and time of the expungement hearing. On January 5, 2021, Claimant filed an Affidavit confirming that the customer was served with the Statement of Claim and notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded, telephonic hearing on February 18, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent did not participate in the expungement hearing and, as stated in the Statement of Answer, did not oppose the request for expungement.

The Customer also did not participate in the expungement hearing. The Arbitrator found that the Customer 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 occurrence in the CRD.

The Arbitrator noted that the dispute related to Occurrence Number 1953930 was not settled and, therefore, there was no settlement document to review.

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

### **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 1953930 from registration records maintained by the CRD for Claimant Matthew Joseph Sotland (CRD Number 5395259) with the understanding that, pursuant to Notice to Members 04-16, Claimant Matthew Joseph Sotland 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 false.

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

Claimant testified that he had regular communications with the customer and the customer never identified an issue with Puerto Rico Bonds (“PR Bonds”). At the time the bonds were purchased, Claimant stated they were reviewed with the customer. Furthermore, the customer never contacted Claimant with any issues related to insurability of PR Bonds. Respondent conducted an independent review of the customer's complaint and concluded that...“based upon the foregoing, we are unable to conclude that you were unaware that certain of the PR Bonds were not insured”. A letter submitted by Claimant's counsel, dated February 26, 2021, indicates that a FINRA inquiry “determined the matter to be resolved and the investigation did not result in a cautionary letter or any sanctions.” The customer gave Claimant “accolades” for helping him resolve a particular issue he was having and stated, “I regret Mr. Sotland departed from Wells Fargo”. The customer's “accolades” for Claimant indicates his high regards for him. It is doubtful that the customer would hold Claimant in high regards if he made misrepresentations in his PR Bonds. It is this Arbitrator’s decision that Claimant receives expungement relief in this matter based upon Rule 2080(b)(1)(C), that the allegation of misrepresentation is false.

2. 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
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*\*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 event giving rise to the dispute. Accordingly, as a party, Respondent UBS Financial Services Inc., 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:

October 29, 2020, postponement requested by Claimant Waived

**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:

October 29, 2020, cancellation 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:

One (1) pre-hearing session with a single Arbitrator @ \$50.00/session	=\$	50.00
Pre-Hearing Conference: June 22, 2020	1 session	
One (1) hearing session on expungement request @ \$50.00/session	=\$	50.00
Hearing: February 18, 2021	1 session	
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Total Hearing Session Fees	=\$	100.00

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**

Kevin R. Zehe

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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**

***Kevin R. Zehe***

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Kevin R. Zehe  
Sole Public Arbitrator

**03/11/2021**

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Signature Date

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March 15, 2021

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