

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

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In the Matter of the Arbitration Between:

Claimant  
Bryan McKinley Davis

Case Number: 20-00898

vs.

Respondent  
Nationwide Investment Services Corporation

Hearing Site: Columbus, Ohio

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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

The evidentiary hearing was conducted by videoconference.

**REPRESENTATION OF PARTIES**

For Claimant Bryan McKinley Davis (“Claimant”): Chelsea Masters, Esq. and Dochter Kennedy, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Nationwide Investment Services Corporation (“Respondent”): Ali I. Haque, Esq., Bricker & Eckler LLP, Columbus, Ohio.

**CASE INFORMATION**

Statement of Claim filed on or about: March 18, 2020.  
Claimant signed the Submission Agreement: March 18, 2020.

Statement of Answer filed on or about: May 7, 2020.  
Respondent signed the Submission Agreement: March 31, 2020.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim alleging that the Form U5 filed by Respondent, as part of registration records maintained by the Central Registration Depository (“CRD”), is defamatory in nature.

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 expungement of the Form U5 filed by Respondent and relevant portions of the related form U5, \$1.00 in compensatory damages, and any other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that this case and all the claims against it in the Statement of Claim be dismissed and that it be awarded costs, including attorneys' fees.

At the hearing, Claimant withdrew his request for \$1.00 in compensatory 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 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 the Termination Explanation in Section 3 of Bryan McKinley Davis's (CRD Number 4049825) Form U5 filed by Nationwide Investment Services Corporation on April 8, 2019 and maintained by the Central Registration Depository ("CRD"). The Reason for Termination shall remain the same. The Termination Explanation shall be replaced with the following language: "Bryan McKinley Davis was permitted to resign from Nationwide Investment Services Corporation in March 2019 due to filing an inaccurate expense report in violation of company policy. Bryan McKinley Davis filed the inaccurate expense report based on instructions he received from his supervisor." This directive shall apply to all references to the Reason for Termination and Termination Explanation.

The Arbitrator further recommends that the response to the "Allegation(s)" question (Question 4) of the Termination DRP related to Occurrence Number 2023674 and maintained by the CRD for Bryan McKinley Davis be expunged in its entirety and replaced with the following language: "Bryan McKinley Davis was permitted to resign from Nationwide Investment Services Corporation in March 2019 due to filing an inaccurate expense report in violation of company policy. Bryan McKinley Davis filed the inaccurate expense report based on instructions he received from his supervisor." This directive shall apply to all references to the "Allegation(s)" question.

The Arbitrator recommends expungement based on the defamatory nature of the information. The above recommendations are made with the understanding that the registration records are not automatically amended. Bryan McKinley Davis must forward a copy of this Award to FINRA's Credentialing, Registration, Education and Disclosure Department for review.

2. Any and all claims for relief not specifically addressed herein, including 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	=\$ 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(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	=\$ 150.00
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### Postponement Fees

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

January 6, 2021, postponement requested by the parties	=\$ 50.00
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Total Postponement Fees	=\$ 50.00
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The Arbitrator has assessed the total postponement fees to Claimant.

### 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 @ \$50.00/session	=\$ 50.00
Pre-Hearing Conference: July 9, 2020	1 session

Two (2) hearing sessions @ \$50.00/session	=\$ 100.00
Hearing: June 3, 2021	2 sessions

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Total Hearing Session Fees	=\$ 150.00
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The Arbitrator has assessed \$125.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$25.00 of the hearing session fees to Respondent.

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

**ARBITRATOR**

Edward Blumstein

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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**

***Edward Blumstein***

Edward Blumstein  
Sole Public Arbitrator

**06/28/2021**

Signature Date

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June 28, 2021

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