

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Martin Peter Moore

Case Number: 20-00946

vs.

Respondent
UBS Financial Services Inc.

Hearing Site: Tampa, Florida

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 Martin Peter Moore (“Claimant”): Harris Freedman, Esq., HLBS Law, Westminster, Colorado.

For Respondent UBS Financial Services Inc. (“Respondent”): Patrick J. Bradley, Esq., UBS Group AG, Nashville, Tennessee.

CASE INFORMATION

Statement of Claim filed on or about: March 23, 2020.
Claimant signed the Submission Agreement: March 23, 2020.

Statement of Answer filed on or about: June 15, 2020.
Respondent signed the Submission Agreement: June 15, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim alleging that the Form U5 amendment 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 amendment filed by Respondent and relevant portions of the related Form U4, \$1.00 in compensatory damages, and any other relief as the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested the dismissal of the Statement of Claim with prejudice and a ruling that Claimant take nothing by way of his claim, an award of its costs with defending this action, and any such other relief to which it may be entitled.

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.

During the evidentiary hearing, Respondent made an oral motion to dismiss based on the Florida Statute of Limitations. Claimant responded that this was not a defamation case and that expungement only requires that the information be defamatory in nature. The Arbitrator denied the motion to dismiss.

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 that the response to the "Allegation(s)" question (Question 4) of the Termination DRP related to Occurrence Number 1893205 maintained by the CRD for Martin Peter Moore (CRD Number 1381375) be modified and the following language should be added to the end of the existing response: "FA, however, did timely notify the e-security department of UBS Financial Services Inc. of the fraudulent transfer requests and no funds were withdrawn from the customer's accounts." 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. Martin Peter Moore 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 any requests for punitive damages, treble relief, 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 = \$ 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 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

Postponement Fees

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

February 23, 2021, postponement requested jointly		Waived
June 29, 2021, postponement requested jointly	= \$	50.00
Total Postponement Fees	= \$	50.00

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:

June 29, 2021, cancellation requested jointly	= \$	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:

One (1) pre-hearing session @ \$50.00/session	= \$	50.00
Pre-Hearing Conference: August 19, 2020	1 session	
One (1) hearing session @ \$50.00/session	= \$	50.00
Hearing: August 18, 2021	1 session	
Total Hearing Session Fees	= \$	100.00

The Arbitrator has assessed \$50.00 of the hearing session fee to Claimant.

The Arbitrator has assessed \$50.00 of the hearing session fees to Respondent.

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

ARBITRATOR

Richard S. Zaifert

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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

Richard S. Zaifert

Richard S. Zaifert
Sole Public Arbitrator

08/23/2021

Signature Date

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August 23, 2021

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