

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Erin Marie Murphy

Case Number: 20-01368

vs.

Respondent
Ameriprise Financial Services, LLC

Hearing Site: Providence, Rhode Island

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 Erin Marie Murphy: Dochter Kennedy, MBA, J.D., and Ben Winograd, J.D., Advisor Law LLC, Westminster, Colorado.

For Respondent Ameriprise Financial Services, LLC: Howard Klausmeier, Esq., Ameriprise Financial Services, LLC, Troy, Michigan.

CASE INFORMATION

Statement of Claim filed on or about: April 30, 2020.

Erin Marie Murphy signed the Submission Agreement: April 30, 2020.

Statement of Answer filed by Respondent on or about: June 22, 2020.

Ameriprise Financial Services, LLC signed the Submission Agreement: June 19, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim seeking expungement of Form U5 Termination Disclosure information from her registration records maintained by the Central Registration Depository (“CRD”), as the information is defamatory in nature, misleading, inaccurate, and/or erroneous.

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 amendments corresponding with Occurrence Number 1707658, 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:
 - amendment of the Reason for Termination entry in Section 3 of Claimant's Form U5 to read "voluntary";
 - subsequent expungement of the Reason for Termination explanation on Claimant's CRD;
 - amendment of the answer to Question 7F(1) of Claimant's Form U5, from a "Yes" response to "No";
 - amendment of the answer to Question 14J(1) of Claimant's Form U4, from a "Yes" response to "No"; and
 - deletion of the accompanying Termination Disclosure Reporting Pages, in their entirety;
- compensatory damages in the amount of \$1.00 from Respondent for its part in contributing to Claimant's injury; and
- any other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that all requested damages be denied; and that all costs and fees that have been or will be incurred by Respondent, including but not limited to the member surcharges and hearing fees, be assessed against Claimant.

At the close of 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.

At the conclusion of Claimant's case-in-chief, Respondent made a Motion to Dismiss and Claimant opposed the motion. After due consideration, the Arbitrator denied the Motion to Dismiss.

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 the Reason for Termination and Termination Explanation in Section 3 of Claimant Erin Marie Murphy's (CRD Number 5013184) Form U5 filed by Ameriprise Financial Services, LLC on June 4, 2014 and maintained by the CRD. The Reason for Termination shall be changed to "Voluntary" and the Termination Explanation shall be deleted in its entirety and shall appear blank. The answer to the prompt "If amending the Reason for Termination and/or termination explanation, provide an explanation below" on Claimant's Amended Form U5 filed on July 2, 2014 by Ameriprise Financial Services, LLC should be expunged and should appear blank. This directive shall apply to all references to the Termination Explanation.

The Arbitrator further recommends the expungement of all references to Occurrence Number 1707658 from the registration records maintained by the CRD for Erin Marie Murphy. Any “Yes” answers should be changed to “No,” as applicable.

The above recommendations are made based on the defamatory nature of the information. The registration records are not automatically amended to include the changes indicated above. Claimant Erin Marie Murphy must forward a copy of this Award to FINRA’s Credentialing, Registration, Education, and Disclosure Department (“CRED”) for review.

- 2. Any and all claims for relief not specifically addressed herein, including any requests for attorneys’ fees, 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 firm that employed the associated person at the time of the event giving rise to the dispute. Accordingly, as a party, Respondent Ameriprise Financial Services, LLC 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:

One (1) pre-hearing session with a single Arbitrator @ \$50.00/session = \$ 50.00
Pre-hearing Conference: August 13, 2020 1 session

Two (2) hearing sessions @ \$50.00/session = \$ 100.00
Hearing Dates: January 5, 2021 1 session
February 2, 2021 1 session

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. Westerkamp

-

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. Westerkamp

Patrick R. Westerkamp
Sole Public Arbitrator

03/12/2021

Signature Date

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.

March 12, 2021

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