

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

Jason Christopher Erickson

Case Number: 20-01505

vs.

Respondents

Capital Financial Services, Inc. and
United Planners Financial Services

Hearing Site: Minneapolis, Minnesota

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. Members

This case was administered under the Special Proceeding option for simplified cases.

REPRESENTATION OF PARTIES

For Claimant Jason Christopher Erickson (“Claimant”): Brian Luther, Esq., FA Expungement, LLC, Denver, Colorado.

For Respondent Capital Financial Services, Inc. (“CFS”): Gordon Dihle, Esq., Corporate Legal, LLC, Centennial, Colorado.

For Respondent United Planners Financial Services (“UPFS”): David B. Hauer, CCO, United Planners Financial Services, Scottsdale, Arizona.

CASE INFORMATION

Statement of Claim filed on or about: May 13, 2020.

Answer to Counterclaim filed on or about: July 19, 2020.

Claimant signed the Submission Agreement: May 12, 2020.

Statement of Answer and Counterclaim filed by CFS on or about: June 30, 2020.

CFS signed the Submission Agreement: June 30, 2020.

Statement of Answer filed by UPFS on or about: May 18, 2020.

UPFS signed the Submission Agreement: May 18, 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”).

Unless specifically admitted in the Statement of Answer and Counterclaim, CFS denied the allegations made in the Statement of Claim and opposed Claimant’s request for expungement. CFS asserted the following cause of action: indemnification. The cause of action is related to CFS’s allegation that, pursuant to a Representative’s Agreement, Claimant is required to provide indemnification for the out-of-pocket costs and legal fees, FINRA arbitration fees, and settlement costs related to the underlying customer dispute.

In the Statement of Answer, UPFS stipulated to Claimant’s request for expungement.

Unless specifically admitted in the Answer to Counterclaim, Claimant denied the allegations made in the Counterclaim and asserted various defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Number 2019621 and compensatory damages in the amount of \$1.00.

In the Statement of Answer and Counterclaim, CFS requested a finding that CFS properly reported Occurrence Number 2019621 to the CRD with respect to Claimant; that Claimant be awarded nothing; that Claimant’s claim be denied in its entirety; costs of defending this arbitration; \$50,000.00 in damages, representing costs incurred due to Claimant’s wrongful conduct; pre-judgment interest; attorneys’ fees and costs; filing and forum fees; and such other and further relief which the Arbitrator deems just and proper under the circumstances.

In the Statement of Answer, UPFS did not request any relief.

In the Answer to Counterclaim, Claimant requested dismissal of CFS’s Counterclaim, including its relief requests.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties.

The Arbitrator conducted a recorded, telephonic hearing on February 9, 2021.

CFS participated in the hearing and, as stated in the Statement of Answer, opposed the request for expungement.

UPFS participated in the hearing and, as stated in the Statement of Answer, stipulated to the request for expungement.

The customers in Occurrence Number 2019621 did not participate in the hearing.

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. Claimant's request for expungement of Occurrence Number 2019621 from his registration records maintained by the CRD is denied.
2. Claimant's claim for \$1.00 in compensatory damages is denied.
3. CFS's Counterclaim is denied.
4. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, treble damages, 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
Counterclaim Filing Fee	= \$	1,450.00

**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 firms that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as parties, CFS and UPFS are each assessed the following:

Member Surcharge	= \$	150.00
Member Process Fee	= \$	1,750.00

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 @ \$450.00/session	= \$	450.00
Pre-Hearing Conference: September 3, 2020	1 session	

One (1) hearing session @ \$450.00/session	= \$	450.00
Hearing: February 9, 2021	1 session	

Total Hearing Session Fees	= \$	900.00
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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

Mark S. Gleason

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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

Mark S. Gleason

Mark S. Gleason
Sole Public Arbitrator

02/17/2021

Signature Date

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February 17, 2021

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