Award FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant Case Number: 20-01763

Stephen Frost

VS.

Respondent Hearing Site: Columbus, Ohio

LPL Financial, LLC

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: Customer vs. Member

This case was decided by an all-public panel.

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Stephen Frost ("Claimant"): Kristian P. Kraszewski, Esq., Kyros Law Offices, Coral Gables, Florida.

For Respondent LPL Financial LLC ("Respondent"): Kelsey Vasko, Esq., LPL Financial, LLC, San Diego, California.

CASE INFORMATION

Statement of Claim filed on or about: June 4, 2020.

Claimant signed the Submission Agreement: June 4, 2020.

Statement of Answer filed on or about: August 7, 2020.

Respondent signed the Submission Agreement: August 7, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: breach of fiduciary duty, breach of contract, negligence, and negligent supervision. The causes of action related to Claimant's allegation that Respondent failed to execute instructions to liquidate his accounts.

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 compensatory damages in the amount of \$200,000.00, plus interest and costs.

In the Statement of Answer, Respondent requested that the Panel dismiss the Statement of Claim in its entirety, providing that Claimant recover nothing; and grant such other, further, and separate relief as the Panel may deem appropriate.

Respondent filed a request for expungement on behalf of Unnamed Party Brent Jackson ("Jackson") of all references to this matter from Central Registration Depository ("CRD") registration records, reasserting the relief requested in its Statement of Answer and requesting that Respondent be awarded its costs and expert fees, and that all forum fees be assessed to Claimant. Please see the Other Issues Considered and Decided section of this Award for more information.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

On October 27, 2021, Respondent filed a Request for Expungement on behalf of Jackson, to which no response was filed.

During the evidentiary hearing, after the close of Claimant's case, Respondent moved for a directed verdict based on a lack of presentation of evidence to support the claims for relief in the Statement of Claim. Claimant opposed the motion. On the record at the hearing, the Panel granted the motion for directed verdict.

The Panel considered the request for expungement as part of the in-person, recorded evidentiary hearing conducted in this matter. Claimant did not oppose the request for expungement.

The Award in this matter may be executed in counterpart copies.

<u>AWARD</u>

After considering the pleadings, the testimony and evidence presented at the hearing, and any post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

- 1. Claimant's claims are denied in their entirety.
- 2. The request for expungement of the above-captioned arbitration (Occurrence Number 2077887) from registration records maintained by the CRD is denied.
- 3. 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

=\$ 1,425.00

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	=\$	1,700.00
Member Process Fee	=\$	3,250.00

Hearing Session Fees and Assessments

The Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrator(s), including a pre-hearing conference with the Arbitrator(s), which lasts four (4) hours or less. Fees associated with these proceedings are:

` ' .	sessions with the Panel @ \$1, nces: September 21, 2020 October 4, 2021	125.00/session 1 session 1 session	=\$	2,250.00
One (1) hearing session @ \$1,125.00/session			=\$	1,125.00
Hearing:	November 16, 2021	1 session		
Total Hearing Session	n Fees		=\$	3,375.00

The Panel has assessed the total hearing session fees to Respondent.

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

^{*}The filing fee is made up of a non-refundable and a refundable portion.

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ARBITRATION PANEL

Paul Lansing	-	Public Arbitrator, Presiding Chairperson
Stuart D. Summers	-	Public Arbitrator
Vincent S. Mezinko	_	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.

Concurring Arbitrators' Signatures

Paul Lansing	11/19/2021	
Paul Lansing Public Arbitrator, Presiding Chairperson	Signature Date	
Stuart D. Summers	11/18/2021	
Stuart D. Summers Public Arbitrator	Signature Date	
Vincent S. Mezinko	11/18/2021	
Vincent S. Mezinko Public Arbitrator	Signature Date	

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November 19, 2021

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