

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
George Maxwell Bruneau

Case Number: 20-01770

vs.

Respondent
TD Ameritrade, Inc.

Hearing Site: Phoenix, Arizona

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 George Maxwell Bruneau (“Claimant”): Doctor Kennedy, J.D., MBA, and Frances Merzer, Esq., AdvisorLaw LLC, Westminster, Colorado.

Respondent TD Ameritrade, Inc. (“Respondent”) did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: June 3, 2020.

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

Claimant signed the Submission Agreement: June 3, 2020.

Respondent did not file a Statement of Answer.

Respondent signed the Submission Agreement: June 3, 2020.

CASE SUMMARY

In the Statement of Claim and the Amended Statement of Claim, Claimant asserted a claim seeking expungement of a termination statement from his Form U5, alleging that the information is defamatory in nature.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Expungement of the Form U5 amendments corresponding with Occurrence Number 1974213, and those relevant portions of the Form U4, from Claimant's CRD records on the basis that the statement is defamatory in nature, misleading, inaccurate, and/or erroneous, to include:
 - a. Amending the answer to question 7F(1) of Claimant's Form U5, from a "Yes" response to "No";
 - b. Amending the answer to question 7B of Claimant's Form U5, from a "Yes" response to "No";
 - c. Amending the answer to question 14J(1) of Claimant's Form U4, from a "Yes" response to "No";
 - d. Deleting the Termination Disclosure Reporting Pages accompanying Occurrence Number 1974213, in their entirety; and
 - e. Deleting the Internal Review Disclosure Reporting Pages accompanying Occurrence Number 1974213, in their entirety.
2. Compensatory damages in the amount of \$1.00 from Respondent; and
3. Any other relief as the Arbitrator deems just and equitable.

OTHER ISSUES CONSIDERED AND DECIDED

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

Respondent did not file a Statement of Answer but is required to submit to arbitration pursuant to the Code of Arbitration Procedure ("Code") and is bound by the determination of the Arbitrator on all issues submitted.

On July 8, 2020, Respondent registered for the DR Portal, providing Respondent with access to all documents filed in the case, including the Statement of Claim, Overdue Notice, and Notification of Arbitrator. Therefore, Respondent is bound by the Arbitrator's ruling and determination.

On January 6, 2021, Claimant filed a joint stipulation between the parties for Claimant to withdraw his claim for compensatory damages ("Stipulation"). On January 8, 2021, the Arbitrator granted the Stipulation.

The Arbitrator conducted a recorded hearing by videoconference on January 18, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. The Arbitrator recommends the expungement of all references to Occurrence Number 1974213 from the registration records maintained by the CRD for Claimant George Maxwell Bruneau (CRD Number 6136331). Any "Yes" answers should be changed to "No" as applicable.

The Arbitrator is making the above recommendation based on the defamatory nature of the information. The registration records are not automatically amended to include the changes indicated above. Claimant George Maxwell Bruneau must forward a copy of this Award to FINRA's Credentialing, Registration, Education and Disclosure (CRED) Department for review.

2. Any and all claims for relief not specifically addressed herein 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 = \$ 1,575.00

**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 = \$ 1,900.00
Member Process Fee = \$ 3,750.00

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 with a single Arbitrator @ \$50.00/session = \$ 50.00
Pre-Hearing Conference: October 12, 2020 1 session

One (1) hearing session on expungement request @ \$450.00/session = \$ 450.00
Hearing: January 18, 2021 1 session

Total Hearing Session Fees = \$ 500.00

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

Roger A. Geddes

-

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

Roger A. Geddes

Roger A. Geddes
Sole Public Arbitrator

02/18/2021

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.

February 19, 2021

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