

**Award**  
**FINRA Dispute Resolution Services**

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In the Matter of the Arbitration Between:

Claimant  
Jonathan Carl Hoelscher

Case Number: 20-01826

vs.

Respondent  
Fidelity Brokerage Services LLC

Hearing Site: Cincinnati, Ohio

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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 Jonathan Carl Hoelscher (“Claimant”): Frances Menzer, Esq. and Dochter Kennedy, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Fidelity Brokerage Services LLC (“Respondent”): David I. Hantman, Esq., Bressler Amery & Ross, P.C., New York, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: June 10, 2020.

Claimant signed the Submission Agreement: June 9, 2020.

Statement of Answer filed on or about: July 30, 2020.

Respondent signed the Submission Agreement: July 30, 2020.

**CASE SUMMARY**

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

In the Statement of Answer, Respondent requested that the Arbitrator dismiss the Statement of Claim in its entirety; assess all forum fees and costs against Claimant; and grant Respondent such other, further, and different relief as the Arbitrator may deem appropriate.

**OTHER ISSUES CONSIDERED AND DECIDED**

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

**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 the Form U5 filed by Respondent and relevant portions of the related Form U4 from his registration records maintained by the CRD is denied.
2. 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
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*\*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
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**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: September 30, 2020	1 session		
Three (3) hearing sessions @ \$50.00/session		= \$	150.00
Hearings: July 28, 2021	2 sessions		
July 29, 2021	1 session		
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Total Hearing Session Fees		= \$	200.00

The Arbitrator has assessed \$137.50 of the hearing session fees to Claimant.

The Arbitrator has assessed \$62.50 of the hearing session fees to Respondent.

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

**ARBITRATOR**

Harlita R. Tomlinson

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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**

***Harlita R. Tomlinson***

Harlita R. Tomlinson  
Sole Public Arbitrator

**08/06/2021**

Signature Date

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August 06, 2021

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