

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

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In the Matter of the Arbitration Between:

Claimant  
Edward Ernest Blacka

Case Number: 20-01844

vs.

Respondent  
Pruco Securities, LLC.

Hearing Site: Pittsburgh, Pennsylvania

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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 Edward Ernest Blacka: Jennifer P. Farrar, Esq., Farrar Law PLLC, Tomball, Texas.

For Respondent Pruco Securities, LLC.: Jennifer E. Novoselski, Esq., Reyes Kurson, LTD, Chicago, Illinois.

**CASE INFORMATION**

Statement of Claim filed on or about: June 11, 2020.

Edward Ernest Blacka signed the Submission Agreement: June 11, 2020.

Statement of Answer filed by Respondent on or about: September 16, 2020.

Pruco Securities, LLC. signed the Submission Agreement: August 5, 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”).

In the Statement of Answer, Respondent denied any allegation of wrongdoing made in the Statement of Claim but took no position on Claimant’s expungement request.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of Occurrence Number 15447; compensatory damages in the amount of \$1.00 from Respondent; and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that the Arbitrator deny Claimant's request for compensatory damages and to assess forum fees against Claimant.

At 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.

On March 16, 2021, Claimant advised that the customer in Occurrence Number 15447 is deceased.

The Arbitrator conducted recorded hearings by videoconference on March 22, 2021 and May 4, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent participated in the expungement hearing and, as stated in the Statement of Answer, did not oppose the request for expungement.

The Arbitrator reviewed Claimant's BrokerCheck® Report. The Arbitrator noted that a prior arbitration panel or court did not previously rule on expungement of the same occurrence in the CRD.

The settlement documents related to Occurrence Number 15447 were not available due to the age of the settlement. The Arbitrator considered the amount of payment made to any party to the settlement and noted that Claimant did not contribute to the settlement amount. Based on Claimant's testimony, the Arbitrator found that the settlement was not conditioned on any party to the settlement not opposing the expungement request. Although the settlement agreement is not available, the Arbitrator determined that expungement should be granted.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: pleadings, exhibits, Claimant's testimony, and Claimant's BrokerCheck® Report.

### **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 all references to Occurrence Number 15447 from registration records maintained by the CRD for Claimant Edward Ernest Blacka (CRD Number 1489265) with the understanding that, pursuant to Notice to Members 04-16,

Claimant Edward Ernest Blacka must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 13805 of the Code of Arbitration Procedure (“Code”), the Arbitrator has made the following Rule 2080 affirmative findings of fact:

The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds; and the claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 findings based on the following reasons:

Claimant provided a copy of the Complaint filed in 1993 in Allegheny County, PA, which names him as a defendant but does not allege he was involved in the alleged investment related sale practice violation. In addition, Claimant testified that he and the alleged wrongdoer held similar parallel sales manager positions and that at no time did Claimant serve as the alleged wrongdoer’s supervisor nor did Claimant participate in any investigation into his alleged wrongdoing. Claimant’s testimony is consistent with not only the complaint but with other documents from 1993 presented during the hearing.

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 = \$ 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 events giving rise to the dispute. Accordingly, as a party, Respondent Pruco Securities, LLC is assessed the following:

Member Surcharge = \$ 150.00

**Postponement Fees**

Postponement granted during these proceedings for which fees were assessed or waived:

January 19, 2021, postponement requested by Claimant Waived

**Last-Minute Cancellation Fees**

Fees apply when a hearing on the merits is cancelled within ten calendar days before the start of a scheduled hearing session:

January 19, 2021, cancellation requested by Claimant Waived

**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: November 16, 2020	1 session	
Two (2) hearing sessions on expungement request @ \$50.00/session	=\$	100.00
Hearings: March 22, 2021	1 session	
May 4, 2021	1 session	
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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**

Gregory Hunter Mathews

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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**

***Gregory Hunter Mathews***

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Gregory Hunter Mathews  
Sole Public Arbitrator

**05/07/2021**

\_\_\_\_\_  
Signature Date

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May 10, 2021

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