

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

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In the Matter of the Arbitration Between:

Claimant  
Thomas C. West

Case Number: 20-01860

vs.

Respondent  
Royal Alliance Associates, Inc.

Hearing Site: Richmond, Virginia

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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

**REPRESENTATION OF PARTIES**

For Claimant Thomas C. West: Keith J. Barnett, Esq., Troutman Pepper Hamilton Sanders LLP, Atlanta, Georgia.

For Respondent Royal Alliance Associates, Inc.: James V. Noblett, Esq., Royal Alliance Associates, Inc., Jersey City, New Jersey.

**CASE INFORMATION**

Statement of Claim filed on or about: June 11, 2020.  
Thomas C. West signed the Submission Agreement: June 11, 2020.

Statement of Answer filed by Respondent on or about: July 14, 2020.  
Royal Alliance Associates, Inc. signed the Submission Agreement: July 14, 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 did not oppose Claimant’s request for expungement and asserted various affirmative defenses.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested: expungement of Occurrence Number 2013198; and such other and further relief that the Panel deemed just and proper.

In the Statement of Answer, Respondent reserved the right to seek attorneys' fees and arbitration costs, including the FINRA member surcharges and/or fees, against Claimant.

### **OTHER ISSUES CONSIDERED AND DECIDED**

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

On or about January 7, 2021, Claimant advised that counsel for the customer in Occurrence Number 2013198 ("Customer") was served with a copy of the Statement of Claim, notice of the date and time of the expungement hearing and of the Customer's right to participate therein. On or about January 7, 2021, Claimant filed with FINRA Dispute Resolution Services, proof of service via email and via certified mail upon counsel for the underlying Customer, advising that counsel for the Customer was served with a copy of the Statement of Claim and notice of the date and time of the expungement hearing.

The Panel conducted a recorded, telephonic hearing on January 15, 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 Customer did not participate in the expungement hearing. The Arbitrators found that the Customer had notice of the expungement request and hearing.

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

The Panel also reviewed the settlement documents, considered the amount of payments made to any party to the settlement, and considered other relevant terms and conditions of the settlement. The Panel noted that the settlement was not conditioned on any party to the settlement not opposing the expungement request and that Claimant did contribute to the settlement amount.

In recommending expungement, the Panel relied upon the following documentary or other evidence: Claimant's Statement of Claim; and settlement agreement.

### **AWARD**

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

1. The Panel recommends the expungement of all references to Occurrence Number 2013198 from registration records maintained by the CRD for Claimant Thomas C. West (CRD Number 2718926) with the understanding that, pursuant to Notice to Members 04-16, Claimant Thomas C. West 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 Panel has made the following Rule 2080 affirmative finding of fact:

The claim, allegation, or information is false.

The Panel has made the above Rule 2080 finding based on the following reasons:

After review of documents presented to the Panel, the Panel finds the allegation is false. Claimant presented correspondence and records demonstrating that the Customer presented assertions without evidence to support these assertions about Claimant.

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 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:

One (1) pre-hearing session with the Panel @ \$1,125.00/session = \$ 1,125.00

Pre-hearing Conference: December 22, 2020 1 session

One (1) hearing session on expungement request @ \$1,125.00/session = \$ 1,125.00

Hearing Date: January 15, 2021 1 session

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Total Hearing Session Fees = \$ 2,250.00

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

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

**ARBITRATION PANEL**

Tina E. Patterson	-	Public Arbitrator, Presiding Chairperson
David Edward Upton	-	Public Arbitrator
Glenn H. Catalano	-	Non-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**

***Tina E. Patterson***

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Tina E. Patterson  
Public Arbitrator, Presiding Chairperson

***01/21/2021***

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

***David Edward Upton***

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David Edward Upton  
Public Arbitrator

***01/22/2021***

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

***Glenn H. Catalano***

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Glenn H. Catalano  
Non-Public Arbitrator

***01/21/2021***

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

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January 22, 2021

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