

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

Leo Anthony Robinson, Jr.

Case Number: 20-02123

vs.

Respondent

Morgan Stanley

Hearing Site: Boston, Massachusetts

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 Leo Anthony Robinson, Jr.: Dochter Kennedy, MBA, J.D. and Kurt Zimmerman, J.D., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Morgan Stanley: Andrew Gelfand, Esq., Morgan Stanley, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: July 6, 2020.

Leo Anthony Robinson, Jr. signed the Submission Agreement: July 6, 2020.

Statement of Answer filed by Respondent on or about: August 20, 2020.

Morgan Stanley signed the Submission Agreement: August 19, 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 took no position on Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Number 1565607; 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 objected to Claimant's request for \$1.00 in compensatory damages.

At the close of 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 December 8, 2020, Claimant advised that the customers in Occurrence Number 1565607 were served with the Statement of Claim and notice of the date and time of the expungement hearing. On December 15, 2020, Claimant filed an Affidavit advising that the customers were served with the Statement of Claim and notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded, telephonic hearing on January 20, 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 customers did not participate in the expungement hearing. The Arbitrator found that the customers had notice of the expungement request and hearing.

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 Arbitrator noted that the dispute related to Occurrence Number 1565607 was denied and, therefore, there were no settlement documents to review.

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

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 1565607 from registration records maintained by the CRD for Claimant Leo Anthony Robinson, Jr. (CRD Number 3179934) with the understanding that, pursuant to Notice to Members 04-16, Claimant Leo Anthony Robinson, Jr. 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 finding of fact:

The claim, allegation, or information is false.

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

The customers asserted misrepresentation of commissions and fees associated with the purchase of an annuity and mutual funds. Upon review all of the evidence, it has been established that the customers: had significant prior investment experience gained while working with the previous Financial Advisor; had multiple discussions/meetings with Claimant whereby compensation models involving annuities and mutual funds were reviewed and the same was furnished to the customer in writing by Claimant and Ohio National Services along with relevant prospectuses; were given "Free Lock" rights providing additional protection for the annuity purchase; and chose to purchase a larger annuity than what Claimant suggested. Accordingly, the Arbitrator found the claim or allegation to be false.

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
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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 that employed the associated person at the time of the event giving rise to the dispute. Accordingly, as a party, Respondent Morgan Stanley 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 with a single Arbitrator @ \$50.00/session	= \$	50.00
Pre-hearing Conference: October 26, 2020	1 session	

One (1) hearing session on expungement request @ \$50.00/session	= \$	50.00
Hearing Date: January 20, 2021	1 session	

Total Hearing Session Fees	= \$	100.00
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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

Gerard S. Marsan

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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

Gerard S. Marsan

Gerard S. Marsan
Sole Public Arbitrator

01/25/2021

Signature Date

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January 26, 2021

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