

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

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In the Matter of the Arbitration Between:

Claimant  
Gregory Lee

Case Number: 20-02170

vs.

Respondent  
Fidelity Brokerage Services LLC

Hearing Site: Raleigh, North Carolina

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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 Gregory Lee: Benjamin Winograd, Esq., Jake Jacobsen, Esq., and Dochter Kennedy, MBA, J.D., AdvisorLaw, LLC, Westminster, Colorado.

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

**CASE INFORMATION**

Statement of Claim filed on or about: July 9, 2020.

Gregory Lee signed the Submission Agreement: July 9, 2020.

Statement of Answer filed by Respondent on or about: August 28, 2020.

Fidelity Brokerage Services LLC signed the Submission Agreement: October 20, 2020.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim seeking expungement of information from registration records maintained by the Central Registration Depository (“CRD”).

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 an award granting expungement of the Form U5

corresponding with Occurrence Number 2031250 and those relevant portions of the Form U4, from Claimant's CRD record on the basis that the statement is defamatory in nature, misleading and inaccurate, and/or erroneous to include: amendment of the Termination Type on Claimant's CRD record to "Voluntary;" expungement of the Reason for Termination explanation on Claimant's CRD record; amendment of the answers to questions 7F(2) of Claimant's Form U5, from a "Yes" response to "No;" and a deletion of any of the accompanying Termination Disclosure Reporting Pages corresponding with Occurrence Number 2031250 in its entirety; an award of damages in the amount of \$1.00 from Respondent for its part in contributing to Claimant's injury; and any other relief that the Arbitrator deemed just and equitable.

In the Statement of Answer, Respondent requested: dismissal of the Statement of Claim in its entirety; denial of Claimant's request for expungement of the language in his Form U5; assessment of all forum fees and costs against Claimant; and such other, further and different relief the Arbitrator deemed 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 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. Claimant's claim for \$1.00 in compensatory damages is denied.
2. Claimant's (CRD Number 4148002) request for expungement of Occurrence Number 2031250 from his registration records maintained by the CRD is denied.
3. Any and all claims for relief not specifically addressed herein 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

*\*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

**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:

Two (2) pre-hearing sessions with a single Arbitrator @ \$50.00/session	= \$ 100.00
Pre-Hearing Conferences: November 4, 2020	1 session
June 8, 2021	1 session
Three (3) hearing sessions on expungement request @ \$50.00/session	= \$ 150.00
Hearings: June 22, 2021	2 sessions
June 23, 2021	1 session
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Total Hearing Session Fees	= \$ 250.00

The Arbitrator has assessed \$200.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$50.00 of the hearing session fees to Respondent.

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

**ARBITRATOR**

Kenneth R. Starr

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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**

***Kenneth R. Starr***

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Kenneth R. Starr  
Sole Public Arbitrator

**06/25/2021**

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

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June 25, 2021

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