

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Scott Bradley Tiras

Case Number: 20-02202

vs.

Respondent
Ameriprise Financial Services, Inc.

Hearing Site: Houston, Texas

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 Scott Bradley Tiras (“Claimant”): Jonathan M. Sterling, Esq., Saretsky Hart Michaels + Gould PC, Birmingham, Michigan.

For Respondent Ameriprise Financial Services, Inc., (“Respondent”): Trina Iijima, Esq., Ameriprise Financial Services, LLC, Minneapolis, Minnesota.

CASE INFORMATION

Statement of Claim filed on or about: July 13, 2020.
Claimant signed the Submission Agreement: July 13, 2020.

Statement of Answer filed on or about: September 2, 2020.
Respondent signed the Submission Agreement: September 2, 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 supported Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Expungement of Occurrence Number 1359077 from his CRD Records pursuant to FINRA

- Rule and 2080(b)(1)(A) and 2080(b)(1)(C);
2. Compensatory damages in the amount of \$1.00 from Respondent; and
 3. Such other and further relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that:

1. An award be issued that recommends the expungement of the subject customer complaint from Claimant's CRD record; and
2. Any and all relief requested against Respondent be denied.

OTHER ISSUES CONSIDERED AND DECIDED

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

On November 12, 2020, Claimant advised that the customer in Occurrence Number 1359077 ("Customer") was served with the Statement of Claim and notice of the date and time of the expungement hearing. On March 16, 2021, Claimant filed an Affidavit confirming that the Customer was served with the Statement of Claim and notice of the amended date and time of the expungement hearing.

The Arbitrator conducted a recorded, telephonic hearing on March 19, 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, supported the request for expungement.

The Customer did not participate in the expungement hearing. The Arbitrator found that the Customer 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 1359077 was not settled and, therefore, there was no settlement document to review.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: Statement of Claim; Claimant's exhibits; Claimant's BrokerCheck® Report; testimony provided by Claimant at the expungement hearing; and proof of service documents on Customer.

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. The Arbitrator recommends the expungement of all references to Occurrence Number 1359077 from registration records maintained by the CRD for Claimant Scott Bradley Tiras (CRD Number 1810954) with the understanding that, pursuant to Notice to Members 04-16, Claimant Scott Bradley Tiras 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 claim, allegation or information is factually impossible or clearly erroneous.

The claim, allegation or information is false.

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

In 2007, the Customer alleged that fees associated with his investment were not disclosed to him. The Customer is an attorney. The evidence revealed that Claimant met and/or spoke with the Customer regularly and followed up with the Customer afterwards to confirm what was discussed. Disclosure materials were provided to the Customer explaining the features and risks of the investment. The evidence established that the Customer was informed of the fees associated with his accounts. There were no mishandling or inappropriate fees associated with the Customer's account charges. The Arbitrator is satisfied the Customer had knowledge and understanding of his transactions with Claimant and Respondent. Therefore, the allegations are clearly erroneous and false.

3. 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(s) that employed the associated person at the time of the event 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 with a single Arbitrator @ \$50.00/session	= \$	50.00
Pre-Hearing Conference: November 6, 2020	1 session	
One (1) hearing session on expungement request @ \$50.00/session	= \$	50.00
Hearing: March 19, 2021	1 session	
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Total Hearing Session Fees	= \$	100.00

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

Sherry R. Wetsch

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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

Sherry R. Wetsch

Sherry R. Wetsch
Sole Public Arbitrator

03/23/2021

Signature Date

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March 24, 2021

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