

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Kraig R. Mickelsen

Case Number: 20-02259

vs.

Respondent
Ausdal Financial Partners, Inc.

Hearing Site: Chicago, Illinois

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 Kraig R. Mickelsen (“Claimant”): David A. Genelly, Esq., David A. Genelly, Ltd., Chicago, Illinois.

For Respondent Ausdal Financial Partners, Inc. (“Respondent”): Daniel A. Hetzel, Esq., Kaufman Dolowich, & Voluck, LLP, Chicago, Illinois.

CASE INFORMATION

Statement of Claim filed on or about: July 20, 2020.
Claimant signed the Submission Agreement: July 1, 2020.

Respondent did not file a Statement of Answer.
Respondent signed the Submission Agreement: September 10, 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”).

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Number 1597853.

OTHER ISSUES CONSIDERED AND DECIDED

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

On September 8, 2020, Respondent filed notice that it did not oppose Claimant's request for expungement.

On September 10, 2020, Claimant submitted a request that this case be decided by a single arbitrator. On September 16, 2020, Claimant submitted notice of Respondent's agreement to the appointment of a single arbitrator. Accordingly, pursuant to Rule 13401(c) of the Code of Arbitration Procedure ("Code"), a single arbitrator was appointed to decide this matter.

In a letter dated December 29, 2020, the customer related to Occurrence Number 1597853 ("Customer") opposed Claimant's request for expungement.

The Arbitrator conducted a recorded, telephonic hearing on January 28, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent did not participate in the expungement hearing.

The Customer also did not participate in the expungement hearing

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:

Claimant's request for expungement of Occurrence Number 1597853 from his registration records maintained by the CRD is 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 firms that employed the associated persons at the time of the events giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge Fee = \$ 1,900.00
Member Process Fee = \$ 3,750.00

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:

One (1) pre-hearing session @ \$450.00/session	= \$	450.00
Pre-Hearing Conference: November 18, 2020 1 session		
One (1) hearing session on expungement request @ \$50.00/session	= \$	450.00
Hearing: January 28, 2021 1 session		
Total Hearing Session Fees	= \$	900.00

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

Lynn Hirschfeld Brahin

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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

Lynn Hirschfeld Brahin

Lynn Hirschfeld Brahin
Sole Public Arbitrator

02/08/2021

Signature Date

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February 09, 2021

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