

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Zachary Evan Feinsilver

Case Number: 20-02364

vs.

Respondent
FMSbonds, Inc.

Hearing Site: Boca Raton, Florida

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 Zachary Evan Feinsilver: Bradley D. Schnur, Jr., Esq., Law Office of Bradley D. Schnur, Esq., Jericho, New York.

For Respondent FMSbonds, Inc.: Matthew Guerrise, Sr. Vice President and Chief Compliance Officer, FMSbonds, Inc., Boca Raton, Florida.

CASE INFORMATION

Statement of Claim filed on or about: July 26, 2020.

Zachary Evan Feinsilver signed the Submission Agreement: July 15, 2020.

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

FMSbonds, Inc. signed the Submission Agreement: August 28, 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 stated that it did not oppose the expungement request and did not intend to participate in this arbitration proceeding.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: expungement of Occurrence Numbers 1552463,

1963452, 1971575, 2010309 and 2023765; 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 requested that all forum fees and costs in connection to the expungement claim be assessed against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

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

On or about November 16, 2020, the Arbitrator issued an Order that, among other things, directed Claimant to serve the underlying customers in Occurrence Numbers 1552463, 1963452, 1971575, 2010309 and 2023765 (the "Customers") by December 31, 2020, with a copy of the Statement of Claim and notice of the date and time of the expungement hearing, as well as their right to participate therein.

The Arbitrator conducted a recorded, telephonic hearing on April 21, 2021 so the parties could present oral argument and evidence on Claimant's request for expungement.

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 5023830) requests for expungement of all references to Occurrence Numbers 1963452, 1971575, 2010309, 2023765 and 1552463 are denied.
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

**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

Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

January 20, 2021, postponement requested by parties = \$ 50.00

March 11, 2021, postponement requested by Claimant = \$ 50.00

Total Postponement Fees = \$ 100.00

The Panel has assessed the total \$100.00 in postponement fees to Claimant.

Last-Minute Cancellation Fees

Fees apply when a hearing on the merits is cancelled within ten calendar days before the start of a scheduled hearing session:

January 20, 2021, cancellation requested by parties = \$ 600.00

March 11, 2021, cancellation requested by Claimant = \$ 600.00

Total Last-Minute Cancellation Fees = \$ 1,200.00

The Panel has assessed the total \$1,200.00 in last-minute cancellation fees to Claimant.

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 16, 2020 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00
Hearing Date: April 21, 2021 1 session

Total Hearing Session Fees = \$ 100.00

The Arbitrator has assessed the total \$100.00 in hearing session fees to Claimant.

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

ARBITRATOR

Perry Earl Phillips

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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

Perry Earl Phillips

Perry Earl Phillips
Sole Public Arbitrator

05/04/2021

Signature Date

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May 05, 2021

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