

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

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In the Matter of the Arbitration Between:

Claimant  
Jason I. Feldman

Case Number: 20-02436

vs.

Respondent  
UBS Financial Services Inc.

Hearing Site: New York, New York

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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 Jason I. Feldman: Amy B. Bard, Esq., Law Offices of Amy Bard, Glen, New Jersey.

For Respondent UBS Financial Services Inc.: Omar Perez, Esq., UBS Business Solutions US, LLC, Nashville, Tennessee.

**CASE INFORMATION**

Statement of Claim filed on or about: July 29, 2020.

Jason I. Feldman signed the Submission Agreement: July 29, 2020.

Statement of Answer filed by Respondent on or about: September 13, 2020.

UBS Financial Services Inc. signed the Submission Agreement: August 3, 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 it does not oppose Claimant’s expungement request, asserted that it engaged in no wrongdoing in relation to the reporting of the complaint on Claimant’s CRD and BrokerCheck® records, and took the position that Claimant is not entitled to an award of compensatory damages in the amount of \$1.00.

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### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of Occurrence Number 1469436 and compensatory damages in the amount of \$1.00 from Respondent.

In the Statement of Answer, Respondent did not delineate a relief request.

At the November 23, 2020 prehearing conference, 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 January 27, 2021, Claimant provided proof of service that the customer in Occurrence Number 1469436 ("Customer") was served with a copy of the Statement of Claim and notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded hearing by videoconference on February 9, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent did not participate in the expungement hearing and, as stated in the Statement of Answer, did not oppose 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 1469436 was part of a Global Repurchase Agreement settlement applicable to many cases involving Auction Rate Securities. Therefore, there was no settlement document to review. However, Claimant provided testimony that described the Global Repurchase Agreement settlement. The Arbitrator noted that the settlement was not conditioned on any party to the settlement not opposing the expungement request and that Claimant did not contribute to the settlement amount.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: Claimant's testimony; Claimant's CRD Report dated July 16, 2020; various UBS Executive Summaries of accounts; various UBS Resource Management Account statements; and correspondence between the Customer and Claimant.

### **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:

The Arbitrator recommends the expungement of all references to Occurrence Number 1469436 from registration records maintained by the CRD for Claimant Jason I. Feldman (CRD Number 1812829) with the understanding that, pursuant to Notice to Members 04-16, Claimant Jason I. Feldman 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; and

The claim, allegation, or information is false.

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

The origin of this complaint is a March 31, 2008, letter from the Customer to Claimant, expressing concern about the Auction Rate Securities (ARS) that he and his mother owned in their accounts. Ultimately the ARS market collapsed, and many customers lost money at many different broker-dealers. This was a pervasive industry-wide problem caused by ARS market forces. The root cause of this expungement request is the failure of the ARS market, not by any action or lack of action by Claimant. Claimant's CRD dated July 16, 2020, identifies that there was a Global Repurchase Agreement settlement in this case and states, "This was not a settlement of a dispute between the Client and the Representative and was not based on the merits of the Client's specific concerns or any finding of fault or wrongdoing by the named Representative." The Arbitrator agrees and as such, the claim, allegation or information is false.

### **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

**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 23, 2020	1 session	

One (1) hearing session on expungement request @ \$50.00/session	= \$	50.00
Hearing: February 9, 2021	1 session	

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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**

Howard L. Sobel

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Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

**Arbitrator's Signature**

***Howard L. Sobel***

Howard L. Sobel  
Sole Public Arbitrator

***02/12/2021***

Signature Date

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February 12, 2021

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