

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Stephen Hendrie Ledyard

Case Number: 20-02491

vs.

Respondent
Ameriprise Advisor Services, Inc.

Hearing Site: Phoenix, Arizona

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 Stephen Hendrie Ledyard (“Claimant”): Erika Binnix, Esq. and Dochter Kennedy, Esq., AdvisorLaw LLC, Westminster, Colorado.

For Respondent Ameriprise Advisor Services, Inc., Ameriprise Financial Services, LLC appeared as the real party in interest (“Respondent”): Howard M. Klausmeier, Esq., Ameriprise Financial Services, LLC, Troy, Michigan.

CASE INFORMATION

Statement of Claim filed on or about: August 4, 2020.
Claimant signed the Submission Agreement: August 4, 2020.

Statement of Answer filed on or about: September 23, 2020.
Respondent signed the Submission Agreement: September 23, 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 concurred with Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Numbers 177544 and 206810, an award of compensatory damages in the amount of \$1.00, and any and all other

relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that Claimant's expungement request be granted, denial of all requested damages against Respondent, and an assessment of all costs and fees against Claimant that have been or will be incurred by Respondent, including, but not limited to, the member surcharges and hearing fees related to this arbitration matter.

At the hearing, 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 December 8, 2020, Claimant advised that the customers in Occurrence Numbers 177544 and 206810 ("Customers") were served with the Statement of Claim and notice of the date and time of the expungement hearing ("Notices"). On December 15, 2020, Claimant filed an Affidavit confirming that the Customers were served with the Notices. Claimant also filed a copy of the FedEx tracking information available online for the Notices.

The Arbitrator conducted a recorded, telephonic hearing on February 9, 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, did not oppose and concurred with the request for expungement.

The Customers did not participate in the expungement hearing. The Arbitrator found that the Customers 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 occurrences in the CRD.

The Arbitrator was unable to review the settlement documentation related to Occurrence Numbers 177544 and 206810, as Claimant represented that he never had copies of the settlement documentation and that Respondent had notified Claimant that it did not have copies of the settlement documentation. Based on Claimant's testimony and representations, the Arbitrator considered the amount of payments made to any party and determined that Claimant did not contribute to the settlements.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: Claimant's Exhibits.

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. The Arbitrator recommends the expungement of all references to Occurrence Numbers 177544 and 206810 from registration records maintained by the CRD for Claimant Stephen Hendrie Ledyard (CRD Number 2454877) with the understanding that, pursuant to Notice to Members 04-16, Claimant Stephen Hendrie Ledyard 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 finding of fact:

The claim, allegation, or information is false.

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

The allegations made by the Customers in both occurrences were false. While the Customers might have been unhappy about losing money as a result of short-term stock trades, there was no wrongdoing on the part of Claimant. In fact, the evidence indicates that Claimant was diligent in ascertaining pertinent investor profile information for the Customers; cautionary letters were sent regarding their frequent, risky, short-term stock trades; and he recommended long-term trades. Further, Claimant did not have discretionary authority to make any trade on his own for the Customers.

2. 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 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	= \$	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 @ \$50.00/session		= \$	50.00
Pre-Hearing Conference: November 30, 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

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 R. Gaines

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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

Howard R. Gaines

Howard R. Gaines
Sole Public Arbitrator

02/11/2021

Signature Date

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February 11, 2021

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