

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Beverly Marie Ketel

Case Number: 20-02511

vs.

Respondent
Citizens Securities, Inc.

Hearing Site: Manchester, New
Hampshire

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

Claimant Beverly Marie Ketel appeared pro se.

For Respondent Citizens Securities, Inc.: Geoffrey W. Millsom, Esq. and William K. Wray, Jr., Esq., Adler Pollock & Sheehan P.C., Providence, Rhode Island.

CASE INFORMATION

Statement of Claim filed on or about: August 5, 2020.

Amended Statement of Claim filed on or about: September 19, 2020.

Beverly Marie Ketel signed the Submission Agreement: August 5, 2020.

Statement of Answer and Counterclaim filed by Respondent on or about: November 10, 2020.

Citizens Securities, Inc. signed the Submission Agreement: November 10, 2020.

CASE SUMMARY

In the Amended Statement of Claim, Claimant asserted the following causes of action: breach of contract; fraud; misrepresentation; duress and intimidation; unfair business practices; favoritism; and retaliation.

Unless specifically admitted in the Statement of Answer and Counterclaim, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

In the Counterclaim, Respondent asserted the following causes of action: contractual indemnity and breach of contract.

RELIEF REQUESTED

In the Amended Statement of Claim, Claimant requested damages in the amount of \$1,430,519.00 as well as cost of inflation; interest; changes in the Respondent's business practices for new hires; and a letter of apology.

In the Statement of Answer and Counterclaim, Respondent requested that Claimant's claims be dismissed; award compensatory damages for breach of contract, including its costs and attorneys' fees; and declare and order that Claimant must fulfill her indemnity obligations towards Respondent.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

Claimant filed a Statement of Claim on August 5, 2020 and an Amended Statement of Claim on September 19, 2020. The original Statement of Claim filed on August 5, 2020 was not served on the Respondent and therefore not considered by the Panel.

On January 21, 2021, Respondent filed a Motion to Dismiss pursuant to Rule 13206 of the Code of Arbitration Procedure ("Code"). On February 21, 2021, Claimant filed a response opposing the Motion to Dismiss. On February 26, 2021 Respondent filed a Reply in support of its Motion to Dismiss. On March 18, 2021, the Panel heard oral arguments on the Motion to Dismiss and granted the motion. The Panel granted the Motion to Dismiss on the grounds that:

Rule 13206 (a) states: "No claim shall be eligible for submission under the Code where six years have elapsed from the occurrence or event giving rise to the claim." The events on which the claim in the Statement of Claim is based, occurred more than six years prior to the filing of the Statement of Claim.

Respondent's Motion to Dismiss pursuant to Rule 13206 of the Code is granted by the Panel without prejudice to any right Claimant has to file in court; Claimant is not prohibited from pursuing her claims in court pursuant to Rule 13206(b) of the Code.

On March 25, 2021, Respondent withdrew of its Counterclaim without prejudice, pursuant to Rule 13702(a) of the Code.

The Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, the testimony and evidence presented at the March 18, 2021 pre-hearing conference, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are dismissed without prejudice pursuant to Rule 13206(a) of the Code.

FEES

Pursuant to the Code of Arbitration Procedure (“Code”), the following fees are assessed:

Filing Fees

FINRA Dispute Resolution Services assessed a filing fee* for each claim:

Initial Claim Filing Fee	=\$ 2,000.00
Counterclaim Filing Fee	=\$ 1,700.00

**The filing fee is made up of a non-refundable and a refundable portion.*

FINRA Dispute Resolution Services previously deferred Claimant’s filing fee of \$ 1,800.00. Upon conclusion of the matter, the Panel determined to waive the \$600.00 non-refundable filing fee.

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the event giving rise to the dispute. Accordingly, as a party, Respondent Citizens Securities, Inc. is assessed the following:

Member Surcharge	=\$ 3,025.00
Member Process Fee	=\$ 6,175.00

Hearing Session Fees and Assessments

The Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrators, including a pre-hearing conference with the Arbitrators, which lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing sessions with the Panel @ \$1,400.00/session	=\$ 2,800.00
Pre-Hearing Conferences: January 22, 2021	1 session
March 18, 2021	1 session

Total Hearing Session Fees	=\$ 2,800.00
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The Panel has assessed \$700.00 of the hearing session fees to Claimant.

The Panel has assessed \$2,100.00 of the hearing session fees to Respondent.

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

ARBITRATION PANEL

Edward W. Morris, Jr.	-	Public Arbitrator, Presiding Chairperson
Linda J. Baer	-	Public Arbitrator
Thomas C. Tretter	-	Non-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.

Concurring Arbitrators' Signatures

Edward W. Morris, Jr.

Edward W. Morris, Jr.
Public Arbitrator, Presiding Chairperson

04/10/2021

Signature Date

Linda J. Baer

Linda J. Baer
Public Arbitrator

04/10/2021

Signature Date

Thomas C. Tretter

Thomas C. Tretter
Non-Public Arbitrator

04/12/2021

Signature Date

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April 13, 2021

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