

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Christopher Grant Conness

Case Number: 20-02543

vs.

Respondent
G.F. Investment Services, LLC

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

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Christopher Grant Conness: Harris Freedman, Esq., Of Counsel, HLBS Law, Westminster, Colorado.

For Respondent G.F. Investment Services, LLC: Larry W. Yager, Corporate Officer, G.F. Investment Services, LLC, McDonough, Georgia.

CASE INFORMATION

Statement of Claim filed on or about: August 7, 2020.

Christopher Grant Conness signed the Submission Agreement: August 7, 2020.

Statement of Answer filed by Respondent on or about: September 29, 2020.

G.F. Investment Services, LLC signed the Submission Agreement: March 9, 2021.

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 did not oppose Claimant’s expungement request and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: expungement of Occurrence Numbers 1916415,

1973149, 2003029 and 2046131; compensatory damages in the amount of \$1.00 from Respondent; and any and all other relief that the Arbitrator deemed just and equitable.

In the Statement of Answer, Respondent requested that Claimant bear all costs associated with this matter, including FINRA arbitration related fees and its own costs.

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 or about January 21, 2021, and on or about February 24, 2021, Claimant advised that the customers in Occurrence Numbers 1916415, 1973149, 2003029 and 2046131 ("Customer A, Customer B, Customer C and Customer D") were served with a copy of the Statement of Claim, notice of the date and time of the expungement hearing and of their right to participate therein. On or about January 26, 2021, on or about February 11, 2021, on or about March 1, 2021, and on or about March 8, 2021, Claimant filed with FINRA Dispute Resolution Services Affidavits of Service, along with proof of service via FedEx upon the underlying Customers, advising that the Customers were served with a copy of the Statement of Claim and notice of the date and time of the expungement hearing.

On or about March 4, 2021, Customer D involved in Occurrence Number 2046131 filed with FINRA Dispute Resolution Services an email, which stated that Customer D opposed the request for expungement.

The Arbitrator conducted a recorded hearing by videoconference on March 16, 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 the request for expungement.

Customer D participated in the expungement hearing and opposed the request for expungement.

Customer A, Customer B and Customer C 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 noted that the dispute related to Occurrence Number 1916415 was not settled and, therefore, there was no settlement document to review.

The Arbitrator reviewed the settlement documentation related to Occurrence Numbers 1973149 and 2003029, considered the amount of payment made to any party to the settlements, and considered other relevant terms and conditions of the settlements. The Arbitrator noted that the settlements were not conditioned on any party to the settlements not opposing the expungement request and that Claimant did not contribute to the settlement amounts.

The Arbitrator also reviewed the settlement documentation related to Occurrence Number 2046131, considered the amount of payment made to any party to the settlement, and considered other relevant terms and conditions of the settlement. The Arbitrator noted that the settlement was not conditioned on any party to the settlement not opposing the expungement request and that Claimant contributed to the settlement amount.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: Claimant's sworn testimony; Claimant's Submission of Expungement Hearing Exhibits; Customers' initial brokerage account opening documents, including customer risk tolerance and investment suitability assessments; Customer D's sworn testimony; and Settlement Agreements ("Settlement Agreements").

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 1916415, 1973149, 2003029 and 2046131 from registration records maintained by the CRD for Claimant Christopher Grant Conness (CRD Number 4778193) with the understanding that, pursuant to Notice to Members 04-16, Claimant Christopher Grant Conness 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 registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds.

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

The Arbitrator relied upon the Claimant's sworn testimony and Claimant's Submission of Expungement Hearing Exhibits. Additionally, Customer D who filed an arbitration claim against Claimant attended and provided sworn testimony. The occurrences alleged against Claimant essentially involve suitability issues and a breach of fiduciary duty concerning Real Estate Investment Trusts ("REITs") and annuity securities. There was one claim of an unlicensed individual selling an investment to a customer. Claimant testified as to the necessary steps to open an account with Respondent, including a customer's risk tolerance and investment suitability assessments. In sworn testimony, Claimant stated that he was with each customer when the necessary documents were reviewed and signed by the customer. Customer B, Customer C and Customer D filed for

arbitration. In each of those cases, a settlement was reached. Claimant testified that Customer A's claim came as a surprise to him. Respondent's Compliance Officer told Claimant that after an inquiry with FINRA, the case was closed. No customer request for arbitration was made, and there was no monetary demand to Respondent. The Settlement Agreements for claims that were made were submitted and reviewed by the Arbitrator.

Customer D provided sworn testimony at the expungement hearing, explained the reasons he submitted a claim for arbitration and submitted an email. Customer D's main allegation was that his investments were declining in value and that Claimant should have been more diligent in following the investments. Testimony and the submitted email cited the drop in his investment in a REIT and his belief that the Claimant and his partner had not paid enough attention to his investment's declining value as the main reason for the complaint. It was agreed that Claimant had been in contact with Customer D. Customer D confirmed the Claimant's testimony that the parties reviewed all the documents, including those relating to suitability, opening the account and making the investments. Also, that Claimant explained the nature and risk of the investments. Customer D testified that he settled the claim directly with Claimant, and that it was paid equally by Claimant and his partner. There is no document or testimony in the established record that provides sufficient reasons to withhold expungement. The Claimant stated he decided to pay half of the settlement amount for business reasons. Respondent did not participate in the settlement. The Claimant made no contributions to the other two settlements.

In Customer C's claim, where an unlicensed individual sold an investment through Respondent's facility, Claimant testified that he was not involved in the transaction and had no knowledge of the proposed transaction. Through testimony, it was disclosed that it was the father of Claimant's business partner that sold the investment. In the Statement of Claim for arbitration, Customer C alleged that Claimant and his partner had prior knowledge and were involved. Customer C did not appear at the expungement hearing to provide testimony, and Customer C settled the case with Respondent, wherein Claimant made no contribution.

Based on the developed record, there is no evidence contra to dispute that Claimant followed Respondent's established procedures for opening a brokerage account, determining the suitability and the level or risk tolerance for each customer. Further, Claimant testified that he was in contact with his customers and returned telephonic inquiries from them as made.

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 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
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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 with a single Arbitrator @ \$50.00/session	= \$	50.00
Pre-Hearing Conference: December 8, 2020	1 session	
One (1) hearing session on expungement request @ \$50.00/session	= \$	50.00
Hearing: March 16, 2021	1 session	
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

Barry David Thorpe

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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

Barry David Thorpe

Barry David Thorpe
Sole Public Arbitrator

03/23/2021

Signature Date

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.

March 24, 2021

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