

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

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In the Matter of the Arbitration Between:

Claimant  
Bertin Marc Stuckart

Case Number: 20-02553

vs.

Respondent  
A. G. Edwards & Sons, Inc.

Hearing Site: Columbia, South Carolina

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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

**REPRESENTATION OF PARTIES**

For Claimant Bertin Marc Stuckart: Erika Binnix, Esq. and Dochter Kennedy, MBA, J.D., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent A. G. Edwards & Sons, Inc.: Demian Betz, Esq., Wells Fargo Legal Department, Charlotte, North Carolina.

**CASE INFORMATION**

Statement of Claim filed on or about: August 10, 2020.  
Bertin Marc Stuckart signed the Submission Agreement: August 10, 2020.

Statement of Answer filed by Respondent on or about: August 27, 2020.  
A. G. Edwards & Sons, Inc. signed the Submission Agreement: August 27, 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 took no position on Claimant’s expungement request.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested: expungement of Occurrence Number 977784; 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 did not delineate a specific relief request.

At the beginning of 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 May 18, 2021, Claimant filed with FINRA Dispute Resolution Services, notice confirming that the customers involved in Occurrence Number 977784 (“Customers”) are deceased and provided copies of the Customers’ Lexis Nexis Death Records. Claimant also filed an Affidavit confirming that Claimant was unable to serve the Customers because they are deceased.

The Arbitrator conducted a recorded telephonic on May 20, 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.

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 977784 was not settled and, therefore, there was no settlement document to review.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: the pleadings, Claimant’s testimony and BrokerCheck® Report.

### **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 Number 977784 from registration records maintained by the CRD for Claimant Bertin Marc Stuckart (CRD Number 1281643) with the understanding that, pursuant to Notice to Members 04-16, Claimant Bertin Marc Stuckart 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 factually impossible or clearly erroneous.

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

The Arbitrator recommends the expungement of Occurrence Number 977784 from the Claimant's registration records maintained by the CRD. The recommendation is based on the testimony of the Claimant and Respondent's denial of the Customers' claim.

Claimant testified that he explained the risks of the investment referred to in the Customers' complaint, and that the recommendation and "target price" was the opinion of the brokerage house and not a guarantee. Claimant also testified that he met with the Customers several times a week to discuss the Customers' investment and when the investment began to decline in value, Claimant recommended that the Customers consider selling. The Customers decided not to sell the investment and held it for an additional eighteen months before finally selling it. Claimant further testified that the Customers remained clients until their death. The Arbitrator reviewed Claimant's BrokerCheck® Report and noted that the complaint was denied by the brokerage house. Claimant testified he was granted expungement of the other complaints in his BrokerCheck® Report.

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

*\*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: January 27, 2021 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00  
Hearing: May 20, 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**

Stuart K. Furman

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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**

***Stuart K. Furman***

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Stuart K. Furman  
Sole Public Arbitrator

**05/27/2021**

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Signature Date

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May 28, 2021

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