

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Jeremy Paul Dicker

Case Number: 20-02608

vs.

Respondent
MML Investors Services, LLC

Hearing Site: Los Angeles, California

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 Jeremy Paul Dicker (“Claimant”): David Harrison, Esq., Law Offices of David Harrison, P.C., Beverly Hills, California.

For Respondent MML Investors Services, LLC (“Respondent”): Elliott J. Stein, Esq., Stevens & Lee, Lawrenceville, New Jersey.

CASE INFORMATION

Statement of Claim filed on or about: August 13, 2020.

Amended Statement of Claim filed on or about: September 14, 2020.

Claimant signed the Submission Agreement: August 13, 2020.

Statement of Answer filed by Respondent on or about: November 5, 2020.

Respondent signed the Submission Agreement: September 24, 2020.

CASE SUMMARY

In the Statement of Claim and Amended Statement of Claim, Claimant asserted a claim seeking expungement of customer dispute information from registration records maintained by the Central Registration Depository (“CRD”) and a claim seeking expungement of an internal review from his Form U5.

In the Statement of Answer, Respondent neither supported nor opposed Claimant's expungement request.

RELIEF REQUESTED

In the Statement of Claim and Amended Statement of Claim, Claimant requested:

1. Expungement of customer dispute information, Occurrence Number 2003015 and Claimant's Form U5 corresponding with Occurrence Number 2007760, from Claimant's CRD records, including, without limitation, Claimant's Forms U4 and U5 pursuant to FINRA Rule 2080, as:
 - a. the claim, allegation, or information is factually impossible or clearly erroneous; and/or
 - b. Claimant was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds; and/or
 - c. the claim, allegation, or information is false;
2. Compensatory damages in the amount of \$1.00 from Respondent; and
3. Any other relief the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested:

1. Any relief sought by Claimant other than expungement, including the request for compensatory damages in the amount of \$1.00, be denied; and
2. All forum fees and costs associated with the proceeding be assessed against Claimant.

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 September 20, 2021, Claimant advised that the customer in Occurrence Number 2003015 ("Customer") was served with the Statement of Claim and notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded hearing by videoconference on October 13, 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 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 occurrences in the CRD.

The Arbitrator also reviewed the settlement documentation related to Occurrence Number 2003015, 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 did not contribute to the settlement amount.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: Claimant's BrokerCheck® Report; Claimant's testimony; Claimant's Statement of Claim; and Respondent's Statement of Answer.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, 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 2003015 from registration records maintained by the CRD for Claimant Jeremy Paul Dicker (CRD Number 2706452) with the understanding that, pursuant to Notice to Members 04-16, Claimant Jeremy Paul Dicker 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.

The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds.

The claim, allegation, or information is false.

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

From November 2012 through November 2018, Claimant was employed by Respondent. Claimant is currently registered with Park Avenue Securities LLC. The customer complaints were made against Claimant, which he is seeking to have expunged from his CRD records.

Occurrence Number 2003015 relates to a customer complaint submitted by the Customer in October of 2018. The Customer alleged that beginning in or around 2017, signatures on paperwork related to transactions involving his insurance policies were forged. Claimant alleges that Respondent settled the matter with the Customer for \$92,641.68. As reported on Claimant's BrokerCheck report, the "Firm found evidence contradicting the forgery allegation" and "the matter was settled due to documentation indicating that the [C]ustomer had signed and returned blank forms."

Respondent opposed any attempt by Claimant to receive any relief other than expungement on the basis that Respondent acted at all times in accordance with FINRA obligations.

FINRA Rule 2080 allows for expungement when: (A) the claim, allegation, or information is factually impossible or clearly erroneous; (B) the registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds; or (C) the claim, allegation, or information is false. Based on the facts presented, the Arbitrator recommends expungement and finds Claimant's claim for expungement is supported by FINRA Rules 2080(b)(1)(A), 2080(b)(1)(B), and 2080(b)(1)(C). Claimant has presented evidence that the complaint made by the Customer was false and evidence was found contradicting the forgery allegation. Additionally, Claimant testified that he was unaware of the allegations made against him before he left his employment with Respondent. The Arbitrator found Claimant to be a credible witness. The claim, allegation, or information is factually impossible or clearly erroneous and is false.

2. The Arbitrator also recommends the expungement of the Reason for Termination and Termination Explanation in Section 3 of Claimant Jeremy Paul Dicker's (CRD Number 2706452) Form U5 filed by MML Investors Services, LLC on November 30, 2018 and maintained by the CRD. The Reason for Termination shall be changed to "Voluntary" and the Termination Explanation shall be deleted in its entirety and appear blank. This directive shall apply to all references to the Reason for Termination and Termination Explanation.

The Arbitrator further recommends the expungement of all references to Occurrence Numbers 2007760 and 2007761 from the registration records maintained by the CRD for Claimant Jeremy Paul Dicker. Any "Yes" answers should be changed to "No," as applicable.

The above recommendations are made with the understanding that the registration records are not automatically amended. Claimant Jeremy Paul Dicker must obtain confirmation of this Award from a court of competent jurisdiction, before the CRD will execute the expungement directive, and must forward a copy of the Court Order to FINRA's Credentialing, Registration, Education and Disclosure Department for the amendments to be incorporated into the Registration Records.

3. 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:

Three (3) pre-hearing sessions with a single Arbitrator @ \$50.00/session	= \$	150.00
Pre-Hearing Conferences: January 25, 2021	1 session	
May 12, 2021	1 session	
July 1, 2021	1 session	

One (1) hearing session on expungement request @ \$50.00/session	= \$	50.00
Hearing: October 13, 2021	1 session	

Total Hearing Session Fees	= \$	200.00
----------------------------	------	--------

The Arbitrator has assessed \$100.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$100.00 of the hearing session fees to Respondent.

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

ARBITRATOR

Natalie Panossian-Bassler - 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

Natalie Panossian-Bassler

Natalie Panossian-Bassler
Sole Public Arbitrator

11/17/2021

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.

November 17, 2021

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