

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Randall Victor Childress

Case Number: 20-02620

vs.

Respondent
Edward D. Jones & Co., L.P.

Hearing Site: Dallas, Texas

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

This case was administered under the Special Proceeding option for simplified cases.

REPRESENTATION OF PARTIES

For Claimant Randall Victor Childress (“Claimant”): Brian Luther, Esq., FA Expungement, LLC, Denver, Colorado.

For Respondent Edward D. Jones & Co., L.P. (“Respondent”): Jonathan W. Hackbarth, Esq., Quarles & Brady LLP, Milwaukee, Wisconsin.

CASE INFORMATION

Statement of Claim filed on or about: August 17, 2020.
Claimant signed the Submission Agreement: August 14, 2020.

Statement of Answer filed on or about: October 6, 2020.
Respondent signed the Submission Agreement: September 24, 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 did not oppose Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Numbers 1435637

and 1501048 and an award of compensatory damages in the amount of \$1.00.

In the Statement of Answer, Respondent did not request any relief.

At the hearing, Claimant withdrew his 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 January 13, 2021, Claimant advised that the customers in Occurrence Numbers 1435637 and 1501048 (each a "Customer" and, collectively, "Customers") were served with the Statement of Claim and notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded, telephonic hearing on March 2, 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 Customers did not participate in the expungement hearing. The Arbitrator found that Claimant made sufficient efforts to effect service on the Customers.

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 Numbers 1435637 and 1501048, 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. The Arbitrator noted that with respect to Occurrence Number 1435637, Claimant did contribute to the settlement amount. However, with respect to Occurrence Number 1501048, Claimant did not contribute to the settlement amount.

In recommending expungement of Occurrence Number 1501048, the Arbitrator relied upon the following documentary or other evidence: Claimant's testimony, Statement of Claim, Statement of Answer, Stipulated Protective Order, and Claimant's Exhibits 6 - 9.

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 1501048 from registration records maintained by the CRD for Claimant Randall Victor Childress (CRD Number 2144260) with the understanding that, pursuant to Notice to

Members 04-16, Claimant Randall Victor Childress 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 claim, allegation, or information is false.

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

The evidence and testimony presented show that the transfer of a portion of the Customer’s funds from mutual funds and annuities to the Advisory Solutions program was made after Claimant made disclosures to the Customer. The Customer signed an authorization to transfer funds electronically and disclosure and acknowledgement forms, including a client agreement that confirmed her objectives, risk tolerance, and the asset classes and allocations. The evidence supports the finding that Claimant did not engage in the conduct alleged.

2. Claimant’s request for expungement of Occurrence Number 1435637 from his registration records maintained by the CRD is 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 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

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: December 2, 2020	1 session		
One (1) hearing session on expungement request @ \$50.00/session		= \$	50.00
Hearing: March 2, 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

Douglas Wade Carvell

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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

Douglas Wade Carvell

Douglas Wade Carvell
Sole Public Arbitrator

03/19/2021

Signature Date

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March 19, 2021

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