

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

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In the Matter of the Arbitration Between:

Claimant  
Brian Daniel Vosberg

Case Number: 20-02633

vs.

Respondent  
Centaurus Financial, Inc.

Hearing Site: Los Angeles, California

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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

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

**REPRESENTATION OF PARTIES**

For Claimant Brian Daniel Vosberg (“Claimant”): Tosh Grebenik, Esq., Judex Law, LLC, Broomfield, Colorado.

For Respondent Centaurus Financial, Inc. (“Respondent”): Bryan Gless, Esq., Centaurus Financial, Inc., Anaheim, California.

**CASE INFORMATION**

Statement of Claim filed on or about: August 17, 2020.

Claimant signed the Submission Agreement: August 17, 2020.

Statement of Answer filed by Respondent on or about: September 15, 2020.

Respondent signed the Submission Agreement: September 22, 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:

1. Expungement of Occurrence Number 1689093 from Claimant's CRD records pursuant to FINRA Rule 2080(b)(1)(A), as the claim, allegation, or information is factually impossible or clearly erroneous;
2. Expungement of Occurrence Number 1689093 from Claimants CRD records pursuant to FINRA Rule 2080(b)(1)(C), as the claim, allegation, or information is false; and
3. Compensatory damages in the amount of \$1.00 from Respondent.

In the Statement of Answer, Respondent requested:

1. Compensatory damages in the amount of \$1.00 be denied; and
2. All forum fees for hearing sessions be assessed against Claimant pursuant to FINRA Rule 13805(d).

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 June 15, 2021, Claimant advised that the customers in Occurrence Number 1689093 ("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 June 15, 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 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 occurrence in the CRD.

The Arbitrator also reviewed the settlement documentation related to Occurrence Number 1689093, 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: pleadings; proofs of service to the Customers; Claimant's exhibits; and the settlement agreement related to Occurrence Number 1689093.

## **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 1689093 from registration records maintained by the CRD for Claimant Brian Daniel Vosberg (CRD Number 4476509) with the understanding that, pursuant to Notice to Members 04-16, Claimant Brian Daniel Vosberg 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 claim, allegation, or information is false.

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

Expungement is appropriate because the evidence overwhelmingly demonstrates that Claimant did absolutely nothing wrong in the circumstances at issue in this case. There was no misrepresentation, no omission, no concealment, no negligence, no breach of fiduciary duty, no breach of contract, in fact, no breach of any duty or obligation of any sort owed to the Customers.

The Section 79 Plan, which is the subject of the Customers' complaint, was developed, created, thoroughly explained, and presented to the Customers by a team of well-qualified professions with various relevant skills and knowledge. That team included the Customers' own CPA, two independent CPAs, independent counsel, and Claimant. The Customers understood the Section 79 Plan and signed numerous documents detailing the Section 79 Plan, as well as their understanding of it and their informed agreement to it.

The Section 79 Plan functioned as intended and met the Customers' stated goals. The only adverse effects on the Customers were the result of later independent and inappropriate action by a new employee of the Customers, and not as a result of anything Claimant did.

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: December 7, 2020 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00  
Hearing: June 15, 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**

Susan B. Gans-Smith

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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**

***Susan B. Gans-Smith***

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Susan B. Gans-Smith  
Sole Public Arbitrator

**07/01/2021**

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Signature Date

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July 02, 2021

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