

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

A. Janssen Longenecker

Case Number: 20-02691

vs.

Respondent

Edward Jones

Hearing Site: St. Louis, Missouri

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 A. Janssen Longenecker (“Claimant”): Chelsea Masters, Esq. and Docthor Kennedy, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Edward Jones a/k/a 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 20, 2020.

Claimant signed the Submission Agreement: August 19, 2020.

Statement of Answer filed on or about: October 8, 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 Number 1030486, compensatory damages in the amount of \$1.00, and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent opposed Claimant's request for damages.

At the hearing, Claimant withdrew the request for \$1.00 in compensatory damages.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties.

On December 30, 2020, Claimant advised that the customer in Occurrence Number 1030486 ("Customer") was served with the Statement of Claim and notice of the date and time of the expungement hearing ("Notice"). On January 5, 2021, Claimant filed an Affidavit confirming the Customer was served with the Notice. Claimant also filed a copy of the FedEx tracking information available online for the Notice. On January 7, 2021, Claimant advised that the Customer was served with a revised notice of the date and time of the expungement hearing ("Revised Notice"). On January 12, 2021, Claimant filed an Affidavit confirming the Customer was served with the Revised Notice. Claimant also filed a copy of the FedEx tracking information available online for the Revised Notice.

On January 13, 2021, the Customer submitted an email stating that he stands by his original complaint.

The Arbitrator conducted a recorded, telephonic hearing on March 18, 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 occurrence in the CRD.

The Arbitrator noted that the dispute related to Occurrence Number 1030486 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: Claimant's testimony and exhibits.

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 1030486 from registration records maintained by the CRD for Claimant A. Janssen

Longenecker (CRD Number 2612186) with the understanding that, pursuant to Notice to Members 04-16, Claimant A. Janssen Longenecker 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 false.

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

The Customer received numerous written documents reflecting the surrender charge. Cash value changes were shown in illustrations and explained to the Customer. Documentation shows that the Customer's payments to keep the new insurance policy in effect were less than what the Customer was paying for the old policy. Overall, the Customer's insurance coverage increased with the new policy, even as his premium payments were reduced.

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 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
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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 @ \$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: March 18, 2021 1 session		
<hr/> 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

Julius Z. Frager

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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

Julius Z. Frager

Julius Z. Frager
Sole Public Arbitrator

03/19/2021

Signature Date

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March 22, 2021

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

Both sides conf'd csl during the hearing/Chelsea Masters and Jon Hackbarth appeared for ptys. All exhibits admitted at outset of hrg at C's request. C w/drew request for \$1.