

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Charles Sleezer

Case Number: 20-02747

vs.

Respondent
Wells Fargo Advisors Financial Network, LLC

Hearing Site: Chicago, Illinois

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 Charles Sleezer (“Claimant”): Zachary S. Knoblock, Esq., Winget Spadafora Schwartzberg, LLP, Miami, Florida.

For Respondent Wells Fargo Advisors Financial Network, LLC (“Respondent”): Jeffery D. Rodgers, Jr., Esq., Wells Fargo Legal Department, St. Louis, Missouri.

CASE INFORMATION

Statement of Claim filed on or about: August 24, 2020.
Claimant signed the Submission Agreement: August 21, 2020.

Statement of Answer filed on or about: October 9, 2020.
Respondent signed the Submission Agreement: October 9, 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 1953435, \$1.00 in compensatory damages, and any just and further relief as the Arbitrator deems just.

In the Statement of Answer, Respondent opposed Claimant's request for \$1.00 in damages and requested that costs in this matter be assessed consistent with FINRA rules and any other such relief be granted to Respondent that is deemed appropriate.

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 February 5, 2021, Claimant advised that it attempted to serve the customer in Occurrence Number 1953435 ("Customer") with the Statement of Claim and notice of the date and time of the expungement hearing ("Notice"). On February 25, 2021, Claimant filed the USPS Tracking information available online for the Notice.

The Arbitrator conducted a recorded, telephonic hearing on February 25, 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 Claimant made diligent efforts to notify the Customer 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 1953435 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 Statement of Claim, the FINRA Investor Complaint Form, Claimant's BrokerCheck® Report, and Claimant's testimony.

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 1953435 from registration records maintained by the CRD for Claimant Charles Richard Sleezer (CRD Number 2907175) with the understanding that, pursuant to Notice to Members 04-16, Claimant Charles Richard Sleezer 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:

On September 6, 2017, the Customer filed a complaint alleging that Claimant had purchased a variable annuity on her behalf without her authority, despite her telling him that she did not wish to purchase any annuities. Claimant denies that the annuity was purchased contrary to her wishes. According to Claimant, she agreed to purchase the annuity and signed the necessary documents of her own free will. Claimant attached a copy of the application signed by the Customer, dated February 27, 2017, and a copy of the disclosure document signed by the Customer, dated February 24, 2017. The documents clearly stated that the Customer was purchasing an annuity and explained the terms of the annuity and the costs associated with its purchase, indicating that Claimant did not purchase the annuity contrary to the Customer’s wishes. The Application was sent to the Customer at her home and she signed and returned it. The Customer's complaint was denied by Respondent, no settlement was made, and the Customer did not follow up with any further action. As a result, the Arbitrator finds that the Customer's complaint is factually impossible, clearly erroneous, and false.

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 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 15, 2020	1 session		
One (1) hearing session on expungement request @ \$50.00/session		= \$	50.00
Hearing: February 25, 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

Theodore W. Wrobleski

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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

Theodore W. Wrobleski

Theodore W. Wrobleski
Sole Public Arbitrator

03/03/2021

Signature Date

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March 03, 2021

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