

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Gordon David Wollman

Case Number: 20-02776

vs.

Respondent
Raymond James Financial Services, Inc.

Hearing Site: Rapid City, South Dakota

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 Gordon David Wollman: Benjamin Winograd, J.D. and Dochter Kennedy, MBA, J.D., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Raymond James Financial Services, Inc.: Robert M. Rudnicki, Esq., Raymond James Financial Services, Inc., St. Petersburg, Florida.

CASE INFORMATION

Statement of Claim filed on or about: August 25, 2020.

Gordon David Wollman signed the Submission Agreement: August 25, 2020.

Statement of Answer filed by Respondent on or about: September 3, 2020.

Raymond James Financial Services, Inc. signed the Submission Agreement: September 3, 2020.

Amended Statement of Claim filed on or about: November 10, 2020.

Answer to the Amended Statement of Claim filed by Respondent on or about: November 17, 2020.

CASE SUMMARY

In the Statement of Claim, as amended, 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, as well as in the Answer to the Amended Statement of Claim, Respondent did not oppose Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, as amended, Claimant requested: expungement of Occurrence Number 1542105 pursuant to Rule 2080(b)(1)(A), (B), and (C); deletion of all Disclosure Reporting Pages accompanying the underlying claim; compensatory damages in the amount of \$1.00 from Respondent; and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, as well as in the Answer to the Amended Statement of Claim, Respondent requested that all fees be assessed to 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 March 2, 2021, Claimant advised that the customer in Occurrence Number 1542105 (“Customer”) is deceased and provided copies of the Customer’s LexisNexis Death Record and obituary.

On March 2, 2021, Claimant advised that the Customer’s surviving spouse was served with the Amended Statement of Claim and notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded, telephonic hearing on May 13, 2021, so the parties could present oral argument and evidence on Claimant’s request for expungement.

Respondent did not participate in the expungement hearing.

A representative of the Customer also did not participate in the expungement hearing. The Arbitrator found that the Customer’s surviving spouse 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 1542105 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 CRD Record, Claimant's BrokerCheck Report, the Financial Professional Gateway document, the Request to Change Servicing Representative document, internal document 10-0815, and the letter and proof of service to the Customer's surviving spouse providing notice of the expungement hearing.

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 1542105 from registration records maintained by the CRD for Claimant Gordon David Wollman (CRD Number 2362886) with the understanding that, pursuant to Notice to Members 04-16, Claimant Gordon David Wollman 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:

The Customer never became a customer of Claimant because the Customer and his spouse decided to stay with their original advisor. The Customer signed a new account form with Respondent but left out the date when signing the form. Claimant's assistant noticed the missing date and filled it in, but did not tell Claimant that it had been missing or that she filled it in. Claimant's assistant had no authority to fill in the date on the form and she did not ask Claimant for permission to do so. An internal investigation by Respondent cleared Claimant of any wrongdoing. FINRA also conducted an investigation, and Claimant was informed by FINRA staff that the matter was being closed with no action taken against Claimant.

Therefore, the Arbitrator recommends expungement of Occurrence Number 1542105 because Rules 2080(b)(1)(A), (B), and (C) have been satisfied.

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 firm that employed the associated person at the time of the event giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge	=\$	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 with a single Arbitrator @ \$50.00/session	=\$	50.00
Pre-Hearing Conference: December 18, 2020	1 session	

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

Total Hearing Session Fees	=\$	100.00
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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

Daniel M. Yamshon

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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

Daniel M. Yamshon

Daniel M. Yamshon
Sole Public Arbitrator

05/18/2021

Signature Date

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May 19, 2021

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