

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

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In the Matter of the Arbitration Between:

Claimant

Brian Sun Eagleheart McDowell

Case Number: 20-02856

vs.

Respondent

J.P. Morgan Securities, LLC

Hearing Site: Portland, Oregon

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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

The evidentiary hearing was conducted by videoconference.

**REPRESENTATION OF PARTIES**

Claimant Brian Sun Eagleheart McDowell (“Claimant”) appeared pro se.

For Respondent J.P. Morgan Securities, LLC (“Respondent”): Jeffrey S. Dunlap, Esq. and Trevor J. Hardy, Esq., Ulmer & Berne LLP, Cleveland, Ohio.

**CASE INFORMATION**

Statement of Claim filed on or about: August 28, 2020.

Claimant signed the Submission Agreement: September 2, 2020.

Statement of Answer filed by Respondent on or about: October 26, 2020.

Respondent signed the Submission Agreement: October 23, 2020.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim seeking expungement of alleged defamatory information reported by Respondent in Claimant’s Form U5.

In the Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of information on his Form U5 (Occurrence Number 1895143).

In the Statement of Answer, Respondent requested:

1. Denial and dismissal of Claimant's claims;
2. Attorneys' fees, forum fees and costs incurred in the defense of this action; and
3. Any other relief that this Panel deems just and proper

### **OTHER ISSUES CONSIDERED AND DECIDED**

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

The Panel conducted a recorded hearing by videoconference on March 16, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The Panel recommends the expungement of all references to Occurrence Number 1895143 from the registration records maintained by the Central Registration Depository ("CRD") for Claimant Brian Sun Eagleheart McDowell (CRD Number 2982847). Any "Yes" answers shall be changed to "No" as applicable. The Reason for Termination and Termination Explanation on Section 3 of Claimant Brian Sun Eagleheart McDowell's Form U5 filed by J.P. Morgan Securities LLC on August 12, 2016 and maintained by the CRD shall remain the same.

The above recommendations are made with the understanding that the registration records are not automatically amended. Brian Sun Eagleheart McDowell must obtain confirmation of this Award from a court of competent jurisdiction, before the CRD will execute the expungement directive, and must forward a copy of the Court Order to FINRA's Credentialing, Registration, Education and Disclosure Department for the amendments to be incorporated into the Registration Records.

2. Any and all claims for relief not specifically addressed herein, including any requests for attorneys' fees, are denied.

### **FEES**

Pursuant to the Code of Arbitration Procedure ("Code"), the following fees are assessed:

#### **Filing Fees**

FINRA Dispute Resolution Services assessed a filing fee\* for each claim:

Initial Claim Filing Fee = \$ 1,575.00

*\*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	= \$	1,900.00
Member Process Fee	= \$	3,750.00

**Hearing Session Fees and Assessments**

The Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrator(s), including a pre-hearing conference with the Arbitrator(s), which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session with the Panel @ \$1,125.00/session	= \$	1,125.00
Pre-Hearing Conference: December 15, 2020	1 session	
Two (2) hearing sessions on expungement request @ \$1,125.00/session	= \$	2,250.00
Hearings: March 16, 2021	2 sessions	
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Total Hearing Session Fees	= \$	3,375.00

The Panel has assessed \$1,687.50 of the hearing session fees to Claimant.

The Panel has assessed \$1,687.50 of the hearing session fees to Respondent.

All balances are payable to FINRA Dispute Resolution Services and are due upon receipt.

**ARBITRATION PANEL**

John M. Casey	-	Public Arbitrator, Presiding Chairperson
Daniel B. MacLeod	-	Public Arbitrator
James John Jurinski	-	Non-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.

**Concurring Arbitrators' Signatures**

***John M. Casey***

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John M. Casey  
Public Arbitrator, Presiding Chairperson

03/22/2021

\_\_\_\_\_  
Signature Date

***Daniel B. MacLeod***

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Daniel B. MacLeod  
Public Arbitrator

03/22/2021

\_\_\_\_\_  
Signature Date

***James John Jurinski***

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James John Jurinski  
Non-Public Arbitrator

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\_\_\_\_\_  
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March 23, 2021

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