

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

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In the Matter of the Arbitration Between:

Claimant  
Robert Charles Greulich

Case Number: 20-02902

vs.

Respondent  
The Equitable Life Assurance Society of  
the United States

Hearing Site: Chicago, Illinois

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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

**REPRESENTATION OF PARTIES**

For Claimant Robert Charles Greulich (“Claimant”): Chelsea Masters, Esq. and Docthor Kennedy, Esq., AdvisorLaw, LLC., Westminster, Colorado.

Respondent The Equitable Life Assurance Society of the United States (“Respondent”) did not appear.

**CASE INFORMATION**

Statement of Claim filed on or about: September 1, 2020.

Claimant signed the Submission Agreement: September 1, 2020.

Respondent did not file an Answer or sign the Submission Agreement.

**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”).

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of Occurrence Number 203916, compensatory damages in the amount of \$1.00, and any and all other relief that the Arbitrator deems just and equitable.

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 Claimant.

Respondent did not file a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code of Arbitration Procedure (“Code”) and is bound by the determination of the Arbitrator on all issues submitted.

On December 28, 2020, Claimant filed a Motion to Bar Defenses Due to Untimely Answer. No response was filed. In an Order dated March 8, 2021, the Arbitrator granted Claimant’s Motion to Bar Defenses Due to Untimely Answer.

On April 1, 2021, Claimant advised that the attorney (“Counsel”) for the customer in Occurrence Number 203916 (“Customer”) was served with the Statement of Claim and notice of the date and time of the expungement hearing (“Notice”). On April 5, 2021, Claimant filed an Affidavit confirming that Counsel was served with the Notice. Claimant also filed a copy of the FedEx tracking information available for the Notice. On April 8, 2021, Counsel submitted a response to the Notice. On April 9, 2021, Claimant advised that Counsel was served with the Statement of Claim and notice of the date and time of the expungement hearing at an alternate address (“Second Notice”). On April 12, 2021, Claimant filed an Affidavit confirming that Counsel was served with the Second Notice. Claimant also filed a copy of the FedEx tracking information available for the Second Notice. On the same day, Counsel submitted a response to the Second Notice. On April 13, 2021, Claimant filed a reply to Counsel regarding the Notice and Second Notice. Claimant also filed an updated copy of the FedEx tracking information available for the Notice.

The Arbitrator conducted a recorded, telephonic hearing on May 20, 2021, so the parties could present oral argument and evidence on Claimant’s request for expungement. At the hearing, the Arbitrator and Claimant agreed to a second expungement hearing date and time.

In an Order dated the same day, the Arbitrator directed Claimant to file additional documentation in support of expungement and to serve the Customer with notice of the Statement of Claim and second expungement hearing.

On May 26, 2021, Claimant advised that the individual principals (“Principals”) of the Customer were served with the Statement of Claim and notice of the date and time of the second expungement hearing (“Second Notices”). On June 1, 2021, Claimant filed an Affidavit confirming that the Principals were served with the Second Notices. Claimant also filed a copy of the FedEx tracking information available for the Second Notices.

The Arbitrator conducted a second recorded, telephonic hearing on June 21, 2021, so the parties could present oral argument and evidence on the Claimant’s request for expungement.

Respondent did not participate in the expungement hearings.

Neither Counsel nor the Principals participated in the expungement hearings. The Arbitrator found that they had notice of the expungement request and hearings.

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 was unable to review the settlement documentation related to Occurrence Number 203916. Claimant filed correspondence stating that he does not have a copy of the settlement agreement and Respondent has no responsive documents, due to the age of the documents. Based on the testimony and representations of Claimant and information contained in the BrokerCheck® Report, the Arbitrator considered the amount of payments made to any party and noted that Claimant did not contribute to the settlement amount.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: Statement of Claim, Claimant's BrokerCheck® Report, Notice and Second Notices, and Affidavits.

### **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 203916 from registration records maintained by the CRD for Claimant Robert Charles Greulich (CRD Number 737124) with the understanding that, pursuant to Notice to Members 04-16, Claimant Robert Charles Greulich 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, 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; and

The claim, allegation, or information is false.

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

The uncontroverted testimony of Claimant was that the Customer provided inaccurate information with regard to its income to the actuary employed to determine the amount of the cost and benefits arising from the defined benefit plan. Claimant had no role in determining the Customer's income or in the calculations of the actuary. After the Customer was audited by the IRS and it was determined that its income was far less, the Customer sought to cancel the defined benefit

plan and variable life insurance policies. The variable life insurance policy applications were signed by the wrong representative for the Customer, but Claimant was not responsible for obtaining the signatures. Respondent settled with the Customer, refunding a sum of money and cancelling the defined benefit plan and variable life insurance policies. The Arbitrator further finds that the public disclosure of the false allegations do not offer any public protection and has no regulatory value. If not expunged, this claim will continue to mislead persons reviewing Claimant's CRD record and does not provide any valuable information for knowledgeable decision making.

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(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
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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 28, 2020	1 session	

Two (2) hearing sessions on expungement request @ \$50.00/session	= \$	100.00
Hearings: May 20, 2021	1 session	
June 21, 2021	1 session	

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Total Hearing Session Fees	= \$	150.00
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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**

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***

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Theodore W. Wrobleski  
Sole Public Arbitrator

**07/19/2021**

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Signature Date

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July 19, 2021

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