

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Matthew Michael Hansen

Case Number: 20-02912

vs.

Respondent
First Allied Securities, Inc.

Hearing Site: San Diego, California

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 Matthew Michael Hansen (“Claimant”): Michael Bessette, Esq., HLBS Law, Westminster, Colorado.

For Respondent First Allied Securities, Inc. (“Respondent”): Jeremy Wooden, Esq., Cetera Financial Group, El Segundo, California.

CASE INFORMATION

Statement of Claim filed on or about: September 1, 2020.
Claimant signed the Submission Agreement: September 1, 2020.

Statement of Answer filed by Respondent on or about: October 21, 2020.
Respondent signed the Submission Agreement: September 23, 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:

1. Expungement of Occurrence Number 1625058 from Claimant’s CRD records pursuant to

FINRA Rule 2080, as;

- a. the claim, allegation, or information is factually impossible or clearly erroneous;
 - b. Claimant was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds; and/or
 - c. the claim, allegation, or information is false
2. Compensatory damages in the amount of \$1.00 from Respondent; and
 3. Any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested:

1. A statement from the Arbitrator on whether to order recommending that the customer complaints be expunged from Claimant's CRD records pursuant to FINRA Rule 2080;
2. Compensatory damages in the amount of \$1.00 be denied; and
3. All forum costs and fees be assessed against 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 22, 2021, Claimant filed an Affidavit confirming that the customers in Occurrence Number 1625058 ("Customers") were served with the Statement of Claim and notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded, telephonic hearing on April 21, 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 Customers did not participate in the expungement hearing. The Arbitrator found that the Customers 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 1625058 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; Claimant's BrokerCheck® Report; Respondent's testimony stating its non-opposition of Claimant's expungement request; and Claimant's exhibit numbers 1-13.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, 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 1625058 from registration records maintained by the CRD for Claimant Matthew Michael Hansen (CRD Number 4696471) with the understanding that, pursuant to Notice to Members 04-16, Claimant Matthew Michael Hansen 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 following evidence was presented and shown to be factual:

Claimant was not named in the complaint affiliated with Occurrence Number 1625058. Claimant was an assistant to the broker named in the FINRA case, and his duties were mostly clerical tasks, such as scheduling, handling correspondence, and taking notes at client meetings. Claimant did not receive any commissions for the Real Estate Investment Trust (“REIT”) trade, which was the subject of the Customers’ complaint. Claimant did not perform any trades or make recommendations to the Customers. Claimant has not sought expungement before. Respondent did not contest Claimant’s expungement request, and the Customers did not provide a written submission or make an appearance at the hearing, contesting the expungement.

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 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 with a single Arbitrator @ \$50.00/session | = \$ | 50.00 |
| Pre-Hearing Conference: January 8, 2021 | 1 session | |

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| One (1) hearing session on expungement request @ \$50.00/session | = \$ | 50.00 |
| Hearing: April 21, 2021 | 1 session | |

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|----------------------------|------|--------|
| 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

Otis E. Hackett

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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

Otis E. Hackett

Otis E. Hackett
Sole Public Arbitrator

05/05/2021

Signature Date

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May 05, 2021

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