

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

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In the Matter of the Arbitration Between:

Claimant  
Jonathan Paul Hlavac

Case Number: 20-02971

vs.

Respondent  
ProEquities, Inc.

Hearing Site: Cincinnati, Ohio

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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 Jonathan Paul Hlavac (“Claimant”): Michael O’Gara, Esq. and Dochter Kennedy, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent ProEquities, Inc. (“Respondent”): Carling T. Nguyen, Esq., Maynard, Cooper & Gale, P.C., Birmingham, Alabama.

**CASE INFORMATION**

Statement of Claim filed on or about: September 4, 2020.  
Amended Statement of Claim filed on or about: November 3, 2020.  
Claimant signed the Submission Agreement: September 3, 2020.

Statement of Answer filed on or about: November 24, 2020.  
Respondent signed the Submission Agreement: November 23, 2020.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim seeking expungement of the Form U5 filed by Respondent and expungement of customer dispute information from registration records maintained by the Central Registration Depository (“CRD”).

In the Amended Statement of Claim, Claimant only asserted a claim seeking expungement of customer dispute information from registration records maintained by CRD.

In the Statement of Answer, Respondent took no position on Claimant’s expungement request.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested an award granting expungement of the Form U5 filed by Respondent and relevant portions of the related Form U4, expungement of Occurrence Number 1738803, compensatory damages in the amount of \$1.00, and any other relief that the Arbitrator deems just and equitable.

In the Amended Statement of Claim, Claimant reasserted the relief requested in the Statement of Claim, except for expungement of the Form U5 filed by Respondent and relevant portions of the related Form U4.

In the Statement of Answer, Respondent requested that Claimant's request for \$1.00 in compensatory damages be denied and dismissed in its entirety and that all fees and costs be assessed against Claimant.

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.

The Arbitrator conducted a recorded, telephonic hearing on June 15, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement of Occurrence Number 1738803.

Respondent participated in the expungement hearing and, as stated in the Statement of Answer, took no position on the request for expungement.

The customer in Occurrence Number 1738803 did not participate in 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. Claimant's request for expungement of Occurrence Number 1738803 from his registration records maintained by the CRD is denied.
2. Any and all claims for relief not specifically addressed herein are denied.

### **FEES**

Pursuant to the Code of Arbitration Procedure, 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

**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: January 4, 2021	1 session		
One (1) hearing session on expungement request @ \$50.00/session		= \$	50.00
Hearing: June 15, 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**

Stephen P. Calardo

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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**

***Stephen P. Calardo***

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Stephen P. Calardo  
Sole Public Arbitrator

**06/21/2021**

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

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June 21, 2021

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