

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Kerri Suzanne Jamison

Case Number: 20-02989

vs.

Respondent
NewBridge Securities Corp.

Hearing Site: Phoenix, Arizona

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

This case was administered under the Special Proceeding option for simplified cases.

REPRESENTATION OF PARTIES

For Claimant Kerri Suzanne Jamison (“Claimant”): Zachary Hayes-Macaluso, Esq., FA Expungement, LLC, Denver, Colorado.

For Respondent NewBridge Securities Corp. (“Respondent”): Gregg J. Breitbart, Esq., Kaufman Dolowich & Voluck LLP, Fort Lauderdale, Florida.

CASE INFORMATION

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

Statement of Answer filed on or about: September 8, 2020.
Respondent signed the Submission Agreement: September 8, 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 1865248 from Claimant's CRD records pursuant to:
 - a. FINRA Rule 2080(b)(1)(A) that the claim is factually impossible or clearly erroneous;
 - b. FINRA Rule 2080(b)(1)(B) that the registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation or conversion of funds; or
 - c. FINRA Rule 2080(b)(1)(C) that the claim, allegation, or information is false; and
2. Compensatory damages in the amount of \$1.00 from Respondent.

In the Statement of Answer, Respondent requested:

1. Claimant's demand for \$1.00 in damages be denied; and
2. All FINRA 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 February 16, 2021, Claimant advised that the customers in Occurrence Number 1865248 ("Customers") were served with the Statement of Claim and notice of the date and time of the expungement hearing. On March 29, 2021, Claimant filed notice confirming that the Customers were served with the Statement of Claim and notice of the date and time of the expungement hearing via USPS certified mail and provided delivery confirmation.

The Arbitrator conducted a recorded, telephonic hearing on April 23, 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 also reviewed the settlement documentation related to Occurrence Number 1865248, considered the amount of payment made to any party to the settlement, and considered other relevant terms and conditions of the settlement. The Arbitrator noted that the settlement was not conditioned on any party to the settlement not opposing the expungement request and that Claimant did not contribute to the settlement amount.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: the pleadings, exhibits admitted into evidence, and Claimant's testimony.

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 1865248 from registration records maintained by the CRD for Claimant Kerri Suzanne Jamison (CRD Number 4348584) with the understanding that, pursuant to Notice to Members 04-16, Claimant Kerri Suzanne Jamison 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 great preponderance of the evidence presented shows that the Customers' claim of negligent supervision as to Claimant is factually impossible or clearly erroneous. Claimant was not the broker of record during the time the investments were made and she was not in a supervisory capacity over the broker of record.

Claimant was not the broker of record when the three investments at issue in the Customers' complaint were made. She was not involved in recommending the specific investments and was not involved in the alleged investment-related sales practice violation. There were no allegations by the Customers against Claimant involving forgery, theft, misappropriation, or conversion of funds.

The evidence presented at the hearing established that there was no factual basis for the claims against Claimant for unsuitability, breach of fiduciary duty, fraud, breach of contract, or negligent supervision. Claimant is mentioned only twice in the Customers' complaint and the Customers' complaint does not allege any specific actions taken by Claimant relating to the claims asserted. The Customers did not mention the investments to Claimant when she became the broker of record or notify her that they were dissatisfied in any way with those investments. For these reasons, expungement of Occurrence Number 1865248 from Claimant's CRD records is appropriate.

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 21, 2020	1 session	

One (1) hearing session on expungement request @ \$50.00/session	= \$	50.00
Hearing: April 23, 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

Renee Bryna Gerstman

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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

Renee Bryna Gerstman

Renee Bryna Gerstman
Sole Public Arbitrator

05/04/2021

Signature Date

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May 04, 2021

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