

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Michelle A. Young

Case Number: 20-03115

vs.

Respondent
Ameriprise Financial Services, LLC

Hearing Site: Minneapolis, Minnesota

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 Michelle A. Young (“Claimant”): Jonathan M. Sterling, Esq., Saretsky Hart Michaels + Gould PC, Birmingham, Michigan.

For Respondent Ameriprise Financial Services, LLC (“Respondent”): Howard M. Klausmeier, Esq., Ameriprise Financial Services, LLC, Troy, Michigan.

CASE INFORMATION

Statement of Claim filed on or about: September 10, 2020.
Claimant signed the Submission Agreement: September 10, 2020.

Statement of Answer filed on or about: October 30, 2020.
Respondent signed the Submission Agreement: October 29, 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 concurred in Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Number 1188686, compensatory damages in the amount of \$1.00, and such other and further relief as the Arbitrator deems just and proper.

In the Statement of Answer, Respondent requested an award recommending expungement and denying any and all relief requested against Respondent.

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.

On January 29, 2021, Claimant advised that the customer in Occurrence Number 1188686 (“Customer”) was served with the Statement of Claim and notice of the date and time of the expungement hearing. On March 25, 2021, Claimant advised that the Customer was served with notice of the date and time of the rescheduled expungement hearing (“Notice”). On April 13, 2021, Claimant filed a copy of the FedEx proof-of-delivery for the Notice.

The Arbitrator conducted a recorded, telephonic hearing on April 16, 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, concurred in the request for expungement.

The Customer did not participate in the expungement hearing. The Arbitrator found that the Customer 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 there was no settlement documentation related to Occurrence Number 1188686 and that, while there was an account adjustment, neither Claimant nor Respondent made any settlement payment.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: Claimant’s BrokerCheck® Report 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 1188686 from registration records maintained by the CRD for Claimant Michelle Annette Young (CRD Number 3077583) with the understanding that, pursuant to Notice to Members 04-16, Claimant Michelle Annette Young 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; and

The claim, allegation, or information is false.

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

Claimant arranged an introductory meeting with the Customer in 2003, at which she was asked to evaluate a variable universal life policy. She compared it to another such policy which seemed to have superior attributes. The replacement process was initiated to substitute the new policy. The appropriate documents were prepared and given to the Customer with a prospectus. He signed the application and the new policy was issued. The Customer seemed satisfied with the new policy. However, more than a year later, with no contact or complaint to Claimant, the Customer phoned the branch manager, saying that he wanted to reinstate the old policy, as the new one was unsuitable. Since both policies were issued by the same company and the old one could be reinstated with no cost or additional fee, the branch manager complied with the Customer’s request. That was the end of the matter. During her testimony, Claimant identified several attributes of the recommended policy which were superior to the old one, demonstrating that the recommended policy was suitable.

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
------------------	------	--------

Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

April 1, 2021, postponement requested by the parties

Waived

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 13, 2021	1 session		
One (1) hearing session on expungement request @ \$50.00/session		= \$	50.00
Hearing: April 16, 2021	1 session		
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

Carl E. Ver Beek

-

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

Carl E. Ver Beek

Carl E. Ver Beek
Sole Public Arbitrator

04/19/2021

Signature Date

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.

April 20, 2021

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