

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

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In the Matter of the Arbitration Between:

Claimant

Donna Marie Stevenson

Case Number: 20-03128

vs.

Respondent

Pacific West Securities, Inc.

Hearing Site: San Francisco, California

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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 Donna Marie Stevenson (“Claimant”): David Monsour, Esq., Barr & Young Attorneys, Danville, California.

Respondent Pacific West Securities, Inc. (“Respondent”) did not enter an appearance.

**CASE INFORMATION**

Statement of Claim filed on or about: September 10, 2020.

Claimant signed the Submission Agreement: September 10, 2020.

Respondent did not file a Statement of 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:

1. A recommendation that the August 2, 2011 customer complaint (“Occurrence Number 1577682”) be expunged from Claimant’s CRD records pursuant to FINRA Rule 2080;
2. A recommendation that the April 29, 2011 customer complaint (“Occurrence Number 1564776”) be expunged from Claimant’s CRD records pursuant to FINRA Rule 2080;
3. Compensatory damages in the amount of \$50.00; and

4. Such other relief as the Arbitrator deems just and proper.

### **OTHER ISSUES CONSIDERED AND DECIDED**

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties.

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.

Respondent did not file a Statement of Answer. The Arbitrator determined that Respondent was served with the Claim Notification letter dated September 11, 2020 by regular mail and FedEx, as evidenced by the FedEx delivery confirmation, and the Overdue Notice (including the Statement of Claim) dated December 21, 2020 by regular mail and FedEx, as evidenced by the FedEx delivery confirmation. The Arbitrator also determined that Respondent was served with the Notification of Arbitrator dated September 21, 2020 by regular mail and FedEx, as evidenced by the FedEx delivery confirmation. The Arbitrator determined that Respondent is, therefore, bound by the Arbitrator’s ruling and determination.

The Claim Notification letter notified Respondent that FINRA rules require parties to use the online DR Portal on a mandatory basis (except pro se investors) and that failure to register for the DR Portal will prevent the submission of pleadings, selection of arbitrators, and receipt of notification relating to case information and deadlines. Respondent failed to register for the DR Portal.

On February 24, 2021, Claimant advised that the customers in Occurrence Number 1577682 (“Mr. and Mrs. B”) were served with the Statement of Claim and notice of the date and time of the expungement hearing. Hereinafter, Mr. and Mrs. B are collectively referred to as “Customers”.

On February 24, 2021, Claimant filed an Affidavit confirming that the 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 May 19, 2021, so the parties could present oral argument and evidence on Claimant’s request for expungement.

Respondent did not participate in the expungement hearing.

The Customers also did not participate in the expungement hearing. Mr. B submitted a declaration in support of Claimant’s expungement request. 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 has not previously ruled on expungement of the same occurrences in the CRD.

The Arbitrator was not able to review the settlement documentation related to Occurrence Number 1577682. Claimant was not able to request the settlement agreement from Respondent, because Respondent was a terminated member and unresponsive. The Arbitrator

was satisfied with Claimant's good faith effort to obtain the settlement documentation. The Arbitrator considered the amount of payment made in the settlement and that Claimant did not contribute to the settlement amount, based on Claimant's BrokerCheck® Report, Mr. B's declaration, and testimony at the hearing.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: Statement of Claim; Claimant's exhibits; BrokerCheck® Report; Mr. B's declaration; and Claimant's testimony.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the 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 \$50.00 in compensatory damages is denied.
2. Claimant's request for expungement Occurrence Number 1564776 from her registration records maintained by the CRD is denied.
3. The Arbitrator recommends the expungement of all references to the above-captioned arbitration (Occurrence Number 1577682) from registration records maintained by the CRD for Claimant Donna Marie Stevenson (CRD Number 2856535) with the understanding that, pursuant to Notice to Members 04-16, Claimant Donna Marie Stevenson 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:

Claimant was not named in the Customers' complaint and was not their broker at the time they purchased the security.

4. Any and all claims for relief not specifically addressed herein are denied.

## **FEES**

Pursuant to the Code of Arbitration Procedure (“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: February 16, 2021                      1 session		
One (1) hearing session on expungement request @ \$50.00/session	=\$	50.00
Hearing:                                      May 19, 2021                      1 session		
<b>Total Hearing Session Fees</b>	<b>=\$</b>	<b>100.00</b>

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**

Kevin C. Coleman

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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**

***Kevin C. Coleman***

Kevin C. Coleman  
Sole Public Arbitrator

**06/02/2021**

Signature Date

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June 03, 2021

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