

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Matthew Brooke West

Case Number: 20-03151

vs.

Respondents
USCA Securities LLC and USCA RIA LLC

Hearing Site: Houston, Texas

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 and Non-Member

REPRESENTATION OF PARTIES

For Claimant Matthew Brooke West (“Claimant”): Frances Menzer, Esq., and Dochter Kennedy, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondents USCA Securities LLC and USCA RIA LLC (collectively, “Respondents”): Therese L. Surprenant, Esq., U.S. Capital Advisors LLC, Houston, Texas.

CASE INFORMATION

Statement of Claim filed on or about: September 11, 2020.
Amended Statement of Claim filed on or about: October 23, 2020.
Claimant signed the Submission Agreement: September 10, 2020.

Statement of Answer filed by Respondents on or about: November 18, 2020.
Respondents signed the Submission Agreement: November 18, 2020.

CASE SUMMARY

In the Statement of Claim, as amended, 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, Respondents did not oppose Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, as amended, Claimant requested expungement of Occurrence

Number 1679713 compensatory damages in the amount of \$1.00, and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondents did not request any relief.

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 June 29, 2021, July 2, 2021, and July 7, 2021, Claimant advised that the customers in Occurrence Number 1679713 ("Customers") were served with the Amended Statement of Claim and notice of the date and time of the expungement hearing (1st Notices). Claimant filed a Death Record for one of the Customers, Mr. B, but advised that the estate of Mr. B was served with the Notice. On July 6, 2021 and July 8, 2021, Claimant filed Affidavits confirming that the Customers were served with the 1st Notices. On July 6, 2021 and July 8, 2021, Claimant filed a copy of the FedEx tracking information for the 1st Notices.

On July 14, 2021, one of the Customers, Mr. R submitted a letter opposing Claimant's request for expungement.

On August 3, 2021, Claimant advised that the Customers were served with notice of the date and time of the rescheduled expungement hearing (2nd Notices). On August 9, 2021, Claimant filed an Affidavit confirming that the Customers were served with the 2nd Notices. Claimant also filed a copy of the FedEx tracking information for the 2nd Notices.

On September 9, 2021, two of the Customers, Ms. O and Mr. O, submitted written statements opposing Claimant's request for expungement.

The Arbitrator conducted a recorded, telephonic on September 10, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondents participated in the expungement hearing and, as stated in the Statement of Answer, did not oppose the request for expungement.

Mr. R participated also in the expungement hearing. None of the other Customers participated 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 1679713, 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: Claimant's testimony and BrokerCheck® Report, Statement of Answer, Settlement and Release Agreement, written statement of Mr. R, Ms. O, and Mr. O, and testimony of Mr. R.

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 1679713 from registration records maintained by the CRD for Claimant Matthew Brooke West (CRD Number 2554449) with the understanding that, pursuant to Notice to Members 04-16, Claimant Matthew Brooke West 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; and

The claim, allegation, or information is false.

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

The uncontroverted evidence demonstrated that the Customers (a group of 20 investors) were not customers of Claimant and he had no supervisory authority as to the financial advisor who managed the Customers' portfolios. Claimant was a member of a team of financial advisors working in Respondents' Retail Wealth area, but he had no direct involvement with the Customers or their accounts, did not manage their portfolios, did not discuss investment strategies with them, and did not make recommendations or offer advice to them. Claimant was not named in the underlying claim and no specific allegations of wrongdoing were made against him. None of his clients joined in the underlying claim or otherwise complained about his handling of their accounts. Claimant understood that a settlement was reached between the Customers and Respondents after an arbitration award against Respondents was vacated, but he was not a party to the arbitration. He was not involved in the settlement and did not contribute to it. The evidence failed to show that Claimant engaged in any of the misconduct the Customers alleged.

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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, USCA Securities LLC is assessed the following:

Member Surcharge	=\$	150.00
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Postponement Fees

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

May 19, 2021, postponement requested by Claimant	WAIVED
August 2, 2021, postponement requested by Claimant	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 21, 2021	1 session	

One (1) hearing session on expungement request @ \$50.00/session	=\$	50.00
Hearing: September 10, 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

Lynne M. Gomez

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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

Lynne M. Gomez

Lynne M. Gomez
Sole Public Arbitrator

09/14/2021

Signature Date

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September 14, 2021

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