

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

John Edward Cassandra

Case Number: 20-03193

vs.

Respondent

Raymond James Financial Services, Inc.

Hearing Site: Boca Raton, Florida

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 John Edward Cassandra: Cory Zadanosky, Esq., Zadanosky & Associates, P.A., Boca Raton, Florida.

For Respondent Raymond James Financial Services, Inc.: Robert M. Rudnicki, Esq., Raymond James, Saint Petersburg, Florida.

CASE INFORMATION

Statement of Claim filed on or about: September 11, 2020.

John Edward Cassandra signed the Submission Agreement: September 11, 2020.

Statement of Answer filed by Respondent on or about: September 23, 2020.

Raymond James Financial Services, Inc. signed the Submission Agreement: September 23, 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: expungement of Occurrence Numbers 2063616, 1445475 and 1938527; compensatory damages in the amount of \$1.00 from Respondent; and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent did not delineate a specific relief request.

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 May 3, 2021, Claimant advised that the customers in Occurrence Numbers 2063616 ("Customer A"), 1445475 ("Customer B") and 1938527 ("Customer C") were each 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 June 9, 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 Arbitrator found that Respondent had notice of the expungement request and hearing.

Customers B participated in the expungement hearing and did not oppose Claimant's request for expungement.

Customers A and C did not participate in the expungement hearing. The Arbitrator found that Customers A and C 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 occurrences in the CRD.

The Arbitrator also reviewed the settlement documentation related to Occurrence Numbers 2063616 and 1445475, considered the amount of payment made to any party to the settlements, and considered other relevant terms and conditions of the settlements. The Arbitrator noted that the settlements were not conditioned on any party to the settlements not opposing the expungement request and that Claimant did not contribute to the settlement amounts.

The Arbitrator noted that the dispute related to Occurrence Number 1938527 was not settled and, therefore, there was no settlement document to review.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: account applications; account statements of all three occurrences; correspondence between Claimant and Customer C; correspondence between Respondent and Customer A; and the exhibits admitted at the 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. The Arbitrator recommends the expungement of all references to Occurrence Numbers 2063616, 1445475 and 1938527 from registration records maintained by the CRD for Claimant Joseph Edward Cassandra (CRD Number 4270866) with the understanding that, pursuant to Notice to Members 04-16, Claimant 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:

Occurrence Number 2063616 (Case Number 20-00480):

The Arbitrator has found this claim to be factually impossible. The complaint alleged "unsuitable investment" and "sector concentration, equities" for the period of November 17, 2001 through March 30, 2017. Claimant did not handle this account until 2008. The complaints were directed at only two investments, which were selected by the joint owner of the account, Customer A's spouse, who passed away in February of 2017. The two trades complained of during Claimant's tenure were initiated by email from Customer A's spouse to Claimant specifying the specific sale and purchase he wanted. Customer A's spouse was highly experienced in the stock market and had worked on Wall Street for around forty (40) years. The account applications signed between Customer A, her spouse, and Respondent, demonstrate that the couple represented that they had a tolerance for high risk and had goals of income and growth. The monthly statements show consistent, unsolicited, aggressive investments for the duration of their account. Account decline resulted from substantial, unsustainable withdrawals by Customer A.

Occurrence Number 1445475 (Case Number 09-00397):

The Arbitrator has found this claim to be clearly erroneous, because Claimant was not involved in the alleged investment-related sales practice. The account was transferred from Morgan Stanley to Claimant at Respondent. Customer B, who appeared and testified at the

hearing by telephone, described a sudden unexpected loss from investment in a single company, "In Force Protection." Customer B did not attribute knowledge of, or responsibility for, the company's decline to Claimant. Customer B testified that he lost almost all of his individual retirement account ("IRA") on that investment. The account statements from Customer B's account reflected modest positive returns at Respondent. Customer B testified that he did not oppose Claimant's expungement request.

Occurrence Number 1938527:

The Arbitrator has found this claim to be factually impossible, clearly erroneous, and false. Customer C alleged that the surrender charge for his John Hancock annuity was not disclosed to him. To the contrary, Customer C's written inquiry as to the surrender charge received a prompt written and accurate response by email from Claimant. Customer C apparently forgot about the written exchange at the time the complaint was made. When confronted with the previous emails between Claimant and Customer C, Customer C acknowledged that he had been informed. Thereafter, Customer C continued and still continues to be Claimant's customer.

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, 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: January 11, 2021	1 session	

Two (2) hearing sessions on expungement request @ \$50.00/session	= \$	100.00
Hearing: June 9, 2021	2 sessions	

Total Hearing Session Fees	= \$	150.00
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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

Monica I. Salis

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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

Monica I. Salis

Monica I. Salis
Sole Public Arbitrator

06/20/2021

Signature Date

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June 21, 2021

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