

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

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In the Matter of the Arbitration Between:

Claimant

Benjamin David Matheson

Case Number: 20-03219

vs.

Respondent

JCC Capital Markets, LLC

Hearing Site: Dallas, Texas

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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

The evidentiary hearing was conducted by videoconference.

**REPRESENTATION OF PARTIES**

For Claimant Benjamin David Matheson (“Claimant”): Joshua A. Katz, Esq. and Joshua F. Bautz, Esq., Sallah Astarita & Cox, LLC, Boca Raton, Florida.

For Respondent JCC Capital Markets, LLC (“Respondent”): Mark Atchity, CEO, JCC Capital Markets, LLC, Laguna Niguel, California.

**CASE INFORMATION**

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

Statement of Answer filed on or about: November 6, 2020.  
Respondent signed the Submission Agreement: October 28, 2020.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim alleging that the Form U5 filed by Respondent, as part of registration records maintained by the Central Registration Depository (“CRD”), is false and defamatory.

In the Statement of Answer, Respondent did not object to Claimant’s request for expungement.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement of the Form U5 filed by Respondent and relevant portions of the related Form U4 and \$1.00 in compensatory damages.

In the Statement of Answer, Respondent did not specify any request for relief.

At the hearing, Claimant withdrew his 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.

### **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:

The Arbitrator recommends the expungement of the Reason for Termination and Termination Explanation in Section 3 of Claimant Benjamin David Matheson's (CRD Number 2190437) Form U5 filed by Respondent JCC Capital Markets, LLC on April 28, 2020 and maintained by the CRD. The Reason for Termination shall be changed to "Voluntary" and the Termination Explanation should be deleted in its entirety and shall appear blank.

This directive shall apply to all references to the Reason for Termination and Termination Explanation.

The Arbitrator further recommends the expungement of all references to Occurrence Number 2071508 from the registration records maintained by the CRD for Claimant Benjamin David Matheson. Any "Yes" answers should be changed to "No" as applicable.

The Arbitrator recommends expungement based on the defamatory nature of the information. The above recommendations are made with the understanding that the registration records are not automatically amended. Claimant Benjamin David Matheson must forward a copy of this Award to FINRA's Credentialing, Registration, Education and Disclosure Department for review.

### **FEES**

Pursuant to the Code of Arbitration Procedure, 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

**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 25, 2021 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00  
Hearing: April 8, 2021 1 session

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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**

Nicole T. LeBoeuf

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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**

***Nicole T. LeBoeuf***

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Nicole T. LeBoeuf  
Sole Public Arbitrator

**04/23/2021**

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Signature Date

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April 23, 2021

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