

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Randal Kertzman

Case Number: 20-03380

vs.

Respondent
LPL Financial LLC

Hearing Site: Indianapolis, Indiana

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: Customer vs. Member

REPRESENTATION OF PARTIES

For Claimant Randal Kertzman (“Claimant”): Lars K. Soreide, Esq.*, Soreide Law Group, PLLC, Pompano Beach, Florida.

For Respondent LPL Financial LLC (“Respondent”): Thomas F. Barnett, Esq., LPL Financial, Boston, Massachusetts.

*FINRA recorded the appearance of Claimant’s counsel at the time of filing of the Statement of Claim. Counsel’s representation of Claimant may have ended with the parties’ settlement. Please see the Other Issues Considered and Decided section of this Award for information on whether Claimant’s counsel appeared at the expungement hearing.

CASE INFORMATION

Statement of Claim filed on or about: September 29, 2020.
Claimant signed the Submission Agreement: September 29, 2020.

Statement of Answer filed on or about: November 25, 2020.
Respondent signed the Submission Agreement: November 25, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: negligence, breach of fiduciary duty, and negligent supervision. The causes of action relate to Claimant’s allegations that due to Respondent’s failure to supervise their registered representative, he was sold unsuitable and risky market linked notes in large concentrations tied to the energy market.

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$100,000.00, interest, costs, and any further relief that the Arbitrator deems just and proper.

In the Statement of Answer, Respondent requested that the Statement of Claim be dismissed; Claimant's requests for damages be denied; all references to this matter be expunged from the registration records of Unnamed Party Evan Lunsford ("Lunsford") that are maintained by the Central Registration Depository ("CRD"); and such other and further relief as the Arbitrator deems appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

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

On June 4, 2021, Claimant filed a Notice of Settlement, dismissing Respondent with prejudice. Therefore, the Arbitrator made no determination with respect to any of the relief requests contained in the Statement of Claim.

On June 22, 2021, Respondent filed a Motion for Expungement on behalf of Lunsford, to which no response was filed.

The Arbitrator conducted a recorded, telephonic hearing on September 7, 2021, so the parties could present oral argument and evidence on Respondent's request for expungement.

Neither Claimant nor Claimant's counsel participated in the expungement hearing.

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. Respondent's request for expungement of Occurrence Number 2092801 from Unnamed Party Evan Lunsford's (CRD Number 5756621) CRD records is denied.
2. Any and all claims for relief not specifically addressed herein, are denied.

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	= \$	975.00
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Expungement Filing Fee = \$ 1,700.00

**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 = \$ 1,100.00
Member Process Fee = \$ 3,750.00

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 @ \$450.00/session	= \$ 450.00
Pre-Hearing Conference: January 18, 2021 1 session	
One (1) hearing session on expungement request @ \$1,125.00/session	= \$ 1,125.00
Hearing: September 7, 2021 1 session	
<hr/> Total Hearing Session Fees	<hr/> = \$ 1,575.00

The Arbitrator has assessed \$225.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$1,350.00 of the hearing session fees to Respondent.

All balances are payable to FINRA Dispute Resolution Services and are due upon receipt.

ARBITRATOR

Paul Lansing

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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

Paul Lansing

Paul Lansing
Sole Public Arbitrator

09/13/2021

Signature Date

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September 14, 2021

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