# Award FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant Case Number: 20-03420

LPL Financial LLC

VS.

Respondent Hearing Site: Seattle, Washington

Jameson Jee Won Shin

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: Member vs. Associated Person

#### REPRESENTATION OF PARTIES

For Claimant LPL Financial LLC ("Claimant"): Jeffrey K. Compton, Esq., Markun Zusman Freniere & Compton LLP, Pacific Palisades, California.

Respondent Jameson Jee Won Shin ("Respondent") did not enter an appearance.

#### **CASE INFORMATION**

Statement of Claim filed on or about: October 1, 2020.

Claimant signed the Submission Agreement: October 1, 2020.

Respondent did not file a Statement of Answer or sign the Submission Agreement.

#### CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: breach of Promissory Note dated January 7, 2014 ("Note") and breach of Representative Agreement ("Agreement"). Claimant alleged that Respondent failed to repay the balances due pursuant to the Note and the Agreement upon conclusion of Respondent's employment with Claimant.

## **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested:

- 1. Principal balance of \$124,742.88 due under the Note;
- 2. Interest of \$16,663.57 from March 30, 2018 to October 1, 2020, and continuing at the rate of \$18.19 per day until the date that Respondent satisfies his obligations under the

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Note:

- 3. Balance of \$19,753.59 due under the Agreement;
- 4. Interest of \$2,443.49 from February 7, 2019 to October 1, 2020, and continuing at the rate of \$4.06 per day until the date that Respondent satisfies his obligations under the Agreement;
- 5. Costs of collection and of this proceeding including attorneys' fees as agreed to under the terms of the Note and Agreement; and
- 6. All other relief as the Arbitrator deems just and equitable.

#### 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. Respondent is an inactive, terminated associated person. The Claim Notification letter dated October 5, 2020 and the Overdue Notice were sent to Respondent's address contained in Respondent's CRD records and the Lexis Nexus database by regular mail, certified mail, and FedEx. The Arbitrator determined that Respondent was served as evidenced by the FedEx delivery confirmation.

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.

The Arbitrator determined that Respondent is, therefore, bound by the Arbitrator's ruling and determination.

On February 18, 2021, Claimant filed a motion for default proceeding pursuant to Rule 13801 of the Code, to which no response was filed. On March 9, 2021, the Arbitrator granted the motion.

### **AWARD**

After considering the pleadings, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

- Respondent is liable for and shall pay to Claimant \$124,742.88 for the amount due under the Note and \$19,753.59 for the amount due under the Agreement, for a sum of \$144,496.47in compensatory damages.
- 2. Respondent is liable for and shall pay to Claimant interest on the amount of \$124,742.88 at the rate of 5.25% per annum from March 30, 2018 until the date Respondent satisfies his obligations on this Award.

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- 3. Respondent is liable for and shall pay to Claimant interest on the amount of \$19,753.59 at the rate of 5.50% per annum from February 7, 2019 until the date Respondent satisfies his obligations on this Award.
- 4. Respondent is liable for and shall pay to Claimant \$12,944.45 in attorneys' fees pursuant to the provisions of the Note and the Agreement.
- 5. Respondent is liable for and shall reimburse Claimant the sum of \$1,000.00 for the nonrefundable portion of the filing fee previously paid to FINRA Dispute Resolution Services.
- 6. Any and all claims for relief not specifically addressed herein are denied.

#### <u>FEES</u>

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

=\$ 2,125.00

#### **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, Claimant is assessed the following:

Member Surcharge	=\$	1,700.00
Member Process Fee	=\$	3,250.00

#### **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 with the Panel @ \$1,125.00/session Pre-Hearing Conference: March 9, 2021 1 session	=\$	1,125.00
Decision on the papers:	=\$	300.00
Total Hearing Session Fees	=\$	1,425.00

The Arbitrator has assessed \$300.00 of the hearing session fees to Respondent.

The hearing session fee in the amount of \$1,125.00 is waived.

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

<sup>\*</sup>The filing fee is made up of a non-refundable and a refundable portion.

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# **ARBITRATOR**

Joseph C. Roberts	-	Sole Public Arbitrator	
I, the undersigned Arbitrator, do her executed this instrument, which is n	•	n the individual described he	erein and who
Arbitrator's Signature			
Joseph C. Roberts		05/11/2021	
Joseph C. Roberts Sole Public Arbitrator		Signature Date	
Awards are rendered by independer binding decisions. FINRA makes avecthe SEC—but has no part in deciding	ailable an arbitratio	•	
May 12, 2021 Date of Service (For FINRA Disput	e Resolution Servi	ces use only)	