

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
LPL Financial LLC

Case Number: 20-03455

vs.

Respondent
Joseph Steven Stengel

Hearing Site: Wilmington, Delaware

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: David J. Sensenig, Esq., Park Sensenig LLC, Richmond, Virginia.

Respondent Joseph Steven Stengel did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: October 7, 2020.

LPL Financial LLC signed the Submission Agreement: October 7, 2020.

Joseph Steven Stengel did not file a Statement of Answer or sign the Submission Agreement.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following cause of action: breach of promissory note agreement, term commitment note and representative agreement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: the principal balance due under the promissory note as of December 12, 2019 in the amount of \$33,333.33, plus interest at a rate of 9.61% per annum from the date of default through the date of payment; the principal due under the term commitment note as of December 12, 2019 in the amount of \$11,785.95, plus interest at a rate of 6.61% per annum from the date of default through the date of payment; the balance owed under the representative agreement in the amount of \$12,972.14, plus interest at a rate of

5.25% from the date of default through the date of payment; costs; attorneys' fees; post-award interest; and any and all further relief the Arbitrator deems just and proper.

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 Joseph Steven Stengel did not file a Statement of Answer. The Arbitrator determined that Respondent Joseph Steven Stengel was served with the Claim Notification letter dated October 8, 2020 by regular mail and certified mail, as evidenced by the signed signature cards on file/USPS tracking information available online, and the Overdue Notice (including the Statement of Claim) dated December 1, 2020 by regular and certified mail, as evidenced by the signed signature cards on file/USPS tracking information available online. The Arbitrator also determined that Respondent Joseph Steven Stengel was served with the Notification of Arbitrator dated December 31, 2020 by regular and certified mail, as evidenced by the signed signature card on file/USPS tracking information available online.

The Claim Notification letter notified Respondent Joseph Steven Stengel 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 Joseph Steven Stengel failed to register for the DR Portal.

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

Respondent Joseph Steven Stengel did not appear at the evidentiary hearing. Upon review of the file, the Arbitrator determined that Respondent Joseph Steven Stengel received due notice of the hearing and that arbitration of the matter would proceed without Respondent Joseph Steven Stengel present, in accordance with the Code.

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 is liable for and shall pay to Claimant the sum of \$37,542.15 in compensatory damages plus interest at the rate of 9.61% per annum from March 29, 2021 until payment in full.
2. Respondent is liable for and shall pay to Claimant the sum of \$12,809.54 in compensatory damages plus interest at the rate of 6.61% per annum from March 29, 2021 until payment in full.

3. Respondent is liable for and shall pay to Claimant the sum of \$13,566.16 in compensatory damages plus interest at the rate of 5.25% per annum from March 29, 2021 until payment in full.
4. Respondent is liable for and shall pay to Claimant the sum of \$16.47 in costs.
5. Respondent is liable for and shall pay to Claimant the sum of \$5,637.00 in attorneys' fees pursuant to the parties' agreement.
6. Respondent is liable for and shall pay to Claimant \$1,000.00 to reimburse Claimant for the non-refundable portion filing fee previously paid to FINRA Dispute Resolution Services.
7. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code of Arbitration Procedure ("Code"), the following fees are assessed:

Filing Fees

FINRA Dispute Resolution Services assessed a filing fee* for each claim:

Initial Claim Filing Fee	=\$ 1,750.00
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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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Claimant LPL Financial LLC is assessed the following:

Member Surcharge	=\$ 1,100.00
Member Process Fee	=\$ 2,250.00

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 a single Arbitrator @ \$450.00/session	=\$ 450.00
Pre-Hearing Conference: February 5, 2021	1 session
One (1) hearing session @ \$450.00/session	=\$ 450.00
Hearing: April 23, 2021	1 session
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Total Hearing Session Fees	=\$ 900.00

The Arbitrator has assessed the total hearing session fees to Respondent.

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

ARBITRATOR

Edward W. Morris, Jr.

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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

Edward W. Morris, Jr.

Edward W. Morris, Jr.
Sole Public Arbitrator

05/04/2021

Signature Date

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May 05, 2021

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