

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Dennis de Champeaux

Case Number: 20-03697

vs.

Respondent
Fidelity Brokerage Services LLC

Hearing Site: San Francisco, California

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

This matter proceeded pursuant to Rule 12800 of the Code of Arbitration Procedure (“Code”).

REPRESENTATION OF PARTIES

Claimant Dennis de Champeaux (“Claimant”) appeared pro se.

For Respondent Fidelity Brokerage Services LLC (“Respondent”): Patrick S. Christensen, Esq., FMR LLC, Durham, North Carolina.

CASE INFORMATION

Statement of Claim filed on or about: October 29, 2020.

Claimant signed the Submission Agreement: November 30, 2020.

Statement of Answer filed on or about: March 22, 2021.

Respondent signed the Submission Agreement: March 23, 2021

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: misrepresentation; unsuitability; improper transactions; breach of fiduciary duty; and negligence. The causes of action relate to various unspecified securities.

In the Statement of Answer, Respondent denied any wrongdoing made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Compensatory damages in the amount of \$12,300.00 for underperformance of the investments;
2. Compensatory damages in the amount of \$3,473.00 for triggering unnecessary capital gains tax;
3. Compensatory damages in the amount of \$2,308.00 for triggering inability to claim a capital loss; and
4. Cost of the arbitration in the amount of \$425.00.

In the Statement of Answer, Respondent requested:

1. Relief requested in the Statement of Claim be denied in all respects; and
2. Forum fees be assessed against Claimant.

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 Arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety.
2. FINRA Dispute Resolution Services shall retain the \$425.00 filing fee that Claimant deposited previously.
3. Respondent is liable for and shall pay to Claimant \$212.50 to reimburse Claimant for one-half of the filing fee previously paid to FINRA Dispute Resolution Services.

FEES

Pursuant to the Code:

Respondent has paid to FINRA Dispute Resolution Services the \$450.00 Member Surcharge previously invoiced.

ARBITRATOR

Arocles Aguilar

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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

Arocles Aguilar

Arocles Aguilar
Sole Public Arbitrator

06/02/2021

Signature Date

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June 02, 2021

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