

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

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In the Matter of the Arbitration Between:

Claimant  
Joseph Santo Marino

Case Number: 20-03787

vs.

Respondent  
Voya Financial Advisors, Inc.

Hearing Site: Hartford, Connecticut

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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

**REPRESENTATION OF PARTIES**

For Claimant Joseph Santo Marino: Dochter Kennedy, MBA, J.D., and Benjamin Winograd, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Voya Financial Advisors, Inc.: Zachary S. Knoblock, Esq., Winget, Spadafora & Schwartzberg, LLP, Miami, Florida.

**CASE INFORMATION**

Statement of Claim filed on or about: November 12, 2020.

Joseph Santo Marino signed the Submission Agreement: November 12, 2020.

Statement of Answer filed by Respondent on or about: January 19, 2021.

Voya Financial Advisors, Inc. signed the Submission Agreement: April 2, 2021.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim seeking expungement of Form U5 termination entry based upon the inaccurate and defamatory nature of the entry in Claimant's Central Registration Depository ("CRD") records.

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 an award granting expungement of the Form U5 corresponding with Occurrence Numbers 1908032 and 190833, and those relevant portions of the Form U4, from Claimant’s CRD record on the basis that the statement is defamatory in nature, misleading, inaccurate, and/or erroneous, to include: amendment of the Reason for Termination entry in Section 3 of Claimant’s Form U5 to read “Voluntary;” expungement of the Reason for Termination explanation on Claimant’s CRD; amendment of the answers to questions 7B and 7F(1) of Claimant’s Form U5, from “Yes” responses to “No;” and deletion of the Internal Review and Termination Disclosure Reporting Pages accompanying Occurrence Numbers 190833 and 1908032; compensatory damages in the amount of \$1.00; and any other relief as the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that the Arbitrator dismiss the Statement of Claim in its entirety; award Respondent the costs and expenses of this arbitration, including forum fees and reasonable attorneys’ fees; and award Respondent any additional relief that is just and proper.

At the hearing, Claimant withdrew the request for \$1.00 in 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:

1. Claimant’s claims are denied in their entirety.
2. Claimant’s request for expungement of his registration records maintained by the CRD is denied.
3. Any and all claims for relief not specifically addressed herein, including any requests for attorneys’ fees, 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	= \$	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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Respondent Voya Financial Advisors, Inc. 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 with a single Arbitrator @ \$50.00/session = \$ 50.00  
Pre-Hearing Conference: April 2, 2021 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00  
Hearing: October 12, 2021 1 session

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Total Hearing Session Fees = \$ 100.00

The Arbitrator has assessed \$25.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$75.00 of the hearing session fees to Respondent.

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

**ARBITRATOR**

Lewis S. Kurlantzick

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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**

***Lewis S. Kurlantzick***

Lewis S. Kurlantzick  
Sole Public Arbitrator

**11/16/2021**

Signature Date

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November 16, 2021

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