

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

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In the Matter of the Arbitration Between:

Claimant  
Jonathan Philip Short

Case Number: 20-03804

vs.

Respondent  
Wells Fargo Clearing Services, LLC

Hearing Site: Charlotte, North Carolina

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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 Jonathan Philip Short: Harris Freedman and Dochter Kennedy, MBA, J.D., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Wells Fargo Clearing Services, LLC: Nuviah Shirazi, Esq., Wells Fargo Legal Department, St. Louis, Missouri.

**CASE INFORMATION**

Statement of Claim filed on or about: November 13, 2020.

Jonathan Philip Short signed the Submission Agreement: November 13, 2020.

Statement of Answer filed by Respondent on or about: January 12, 2021.

Wells Fargo Clearing Services, LLC signed the Submission Agreement: November 20, 2020.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted the following cause of action: expungement of Claimant's Form U5/termination, based on the defamatory nature of the entry. The cause of action relates to the termination of Claimant's employment from Respondent.

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: expungement of the Form U5 corresponding with Occurrence Number 1493742, 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: (a) amendment of the Reason for Termination entry of Section 3 of Claimant's Form U5 to read "Voluntary," (b) expungement of the Reason for Termination explanation on Claimant's CRD, (c) amendment of the answer to question 7F(1) of Claimant's Form U5, from a "Yes" response to "No," and (d) deletion of the Termination Disclosure Reporting Pages accompanying Occurrence Number 1493742; an award of compensatory damages in the amount of \$1.00 from Respondent for its part in contributing to Claimant's injury; and any other relief as the arbitration Panel deems just and equitable.

In the Statement of Answer, Respondent requested: a denial of all claims pled in the instant action; and that all fees, costs, and member surcharges incurred by Respondent as a result of the pending action be assessed against Claimant

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 (CRD Number 5558074) request for expungement of Occurrence Number 1493742 from his registration records maintained by the CRD is denied.
2. 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	= \$	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 event giving rise to the dispute. Accordingly, as a party, Respondent 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: March 10, 2021 1 session

One (1) hearing session with a single Arbitrator @ \$50.00/session = \$ 50.00  
Hearing: July 13, 2021 1 session

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Total Hearing Session Fees = \$ 100.00

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

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

**ARBITRATOR**

Patricia H. Latham

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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**

***Patricia H. Latham***

Patricia H. Latham  
Sole Public Arbitrator

**07/19/2021**

Signature Date

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July 19, 2021

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