

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimants

Janette Bossier, Individually and as Administrator of the Simplified IRAs of Leonard Bossier, Blane Bossier, Kriss Dunaway and Chris Smith and Leonard Bossier SEP and IRA, Blane Bossier Roth IRA

Case Number: 20-03950

vs.

Respondents

Kenneth R. Knopp
Edward Jones

Hearing Site: Jackson, Mississippi

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: Customers vs. Member and Associated Person

This case was decided by an all-public panel.

The expungement hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimants Janette Bossier, Individually and as Administrator of the Simplified IRAs of Leonard Bossier, Blane Bossier, Kriss Dunaway and Chris Smith and Leonard Bossier SEP and IRA, and Blane Bossier Roth IRA (collectively “Claimants”): Kim Breese, Esq., Breese Law Office, PLLC, Ridgeland, Mississippi.

For Respondents Kenneth R. Knopp (“Knopp”) and Edward Jones: Joshua D. Jones, Esq. and Katelyn H. Wilson, Esq., Bressler, Amery & Ross, P.C., Birmingham, Alabama.

CASE INFORMATION

Statement of Claim filed on or about: December 2, 2020.

Claimants’ counsel, on behalf of all Claimants, signed the Submission Agreement: December 3, 2020.

Statement of Answer filed by Respondents on or about: January 22, 2021.

Kenneth R. Knopp signed the Submission Agreement: January 25, 2021.

Edward Jones signed the Submission Agreement: January 22, 2021.

CASE SUMMARY

In the Statement of Claim, Claimants asserted the following causes of action: negligence; willful negligence; breach of contract; breach of FINRA rules and industry standards; and breach of state and federal statutes, including the Mississippi Securities Act. The causes of action relate to Respondent Knopp's alleged failure to liquidate Claimants' accounts with Respondent Edward Jones.

Unless specifically admitted in the Statement of Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimants requested: the value of Claimants' assets had they been liquidated on March 4, 2020, and then reinvested on March 23, 2020, less their actual value as of filing the Statement of Claim; attorneys' fees; punitive damages; interest, and all costs and forum fees.

In the Statement of Answer, Respondents requested: that Claimants take nothing by their claims and their claims are denied in their entirety, with prejudice; and that the CRD record of Respondent Knopp be expunged of this matter including the initial complaint made prior to the filing of the Statement of claim.

Respondent Knopp filed a request for expungement of all references to this matter from Central Registration Depository ("CRD") registration records. Please see the Other Issues Considered and Decided section of this Award for more information.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

On December 20, 2021, Claimants filed a notice of settlement. Therefore, the Panel made no determination with respect to any of the relief requests contained in the Statement of Claim.

On December 27, 2021, Respondent Knopp filed a notice of intent to seek expungement.

On January 4, 2022, Respondent Knopp filed a Motion for Expungement, to which no response was filed.

The Panel conducted a recorded hearing by videoconference on January 12, 2022, so the parties could present oral argument and evidence on Respondent Knopp's request for expungement.

Claimants and Claimants' counsel participated in the expungement hearing and opposed the request for expungement.

The Panel reviewed Respondent Knopp's BrokerCheck® Report. The Panel noted that a prior arbitration panel or court has not previously ruled on expungement of the same occurrence in the CRD.

The Panel also reviewed the settlement documentation, considered the amount of payment made to any party to the settlement, and considered other relevant terms and conditions of the settlement. The Panel noted that the settlement documents reflected that Respondent Edward Jones made a business decision without admitting any liability; and the amount of the settlement payment was consistent to support the allegation that it was made as a business decision. The Panel also noted that Respondent Knopp did not contribute to the settlement.

In recommending expungement, the Panel relied upon the following documentary or other evidence: all pleadings and exhibits in the file; the Settlement Agreement; Respondent Edward Jones' account login printouts; Respondent Edward Jones' records regarding incomplete ACAT forms; Respondent Knopp's Contact Activity notes; Respondent Knopp's sworn testimony; and Claimant Janette Bossier's and Claimant Leonard Bossier's sworn testimonies.

The Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and any post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The Panel recommends the expungement of all references to the above-captioned arbitration (Occurrence Number 2069007) from registration records maintained by the CRD for Respondent Knopp (CRD Number 4500318) with the understanding that, pursuant to Notice to Members 04-16, Respondent Knopp must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 12805 of the Code of Arbitration Procedure ("Code"), the Panel has made the following Rule 2080 affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous.

The claim, allegation, or information is false.

The Panel has made the above Rule 2080 findings based on the following reasons:

The evidence did not support Claimants' allegation that a clear "sell" instruction, vis-a-vis Claimant Janette Bossier's individual account, was given to Respondent Knopp on March 4, 2020. Respondent Knopp carried his burden in showing that he did not violate any industry standard.

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	=\$ 1,575.00
Expungement Filing Fee	=\$ 1,575.00

**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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party Respondent Edward Jones is assessed the following:

Member Surcharge	=\$ 1,900.00
Member Process Fee	=\$ 3,750.00

Hearing Session Fees and Assessments

The Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrator(s), including a pre-hearing conference with the Arbitrator(s), 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	=\$ 1,125.00
Pre-Hearing Conference: April 8, 2021	1 session

One (1) hearing session on expungement request @ \$1,125.00/session	=\$ 1,125.00
Hearing: January 12, 2022	1 session

Total Hearing Session Fees	=\$ 2,250.00
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The Panel has assessed \$562.50 of the hearing session fees jointly and severally to Claimants.

The Panel has assessed \$562.50 of the hearing session fees jointly and severally to Respondents.

The Panel has assessed \$1,125.00 of the hearing session fees to Respondent Knopp.

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

ARBITRATION PANEL

Kenneth R. Starr	-	Public Arbitrator, Presiding Chairperson
Roger C. Benson	-	Public Arbitrator
Harvey R. Linder	-	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.

Concurring Arbitrators' Signatures

Kenneth R. Starr

Kenneth R. Starr
Public Arbitrator, Presiding Chairperson

01/18/2022

Signature Date

Roger C. Benson

Roger C. Benson
Public Arbitrator

01/18/2022

Signature Date

Harvey R. Linder

Harvey R. Linder
Public Arbitrator

01/18/2022

Signature Date

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January 18, 2022

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