

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Jason Harry Kurchner

Case Number: 20-04111

vs.

Respondent
M Holdings Securities, Inc.

Hearing Site: Albany, New York

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 Jason Harry Kurchner: Dochter Kennedy, MBA, J.D. and Frances Menzer, Esq., AdvisorLaw LLC, Westminster, Colorado.

For Respondent M Holdings Securities, Inc.: Stephanie Palimino, M Holdings Securities, Inc., Portland, Oregon.

CASE INFORMATION

Statement of Claim filed on or about: December 17, 2020.

Jason Harry Kurchner signed the Submission Agreement: December 17, 2020.

Statement of Answer filed by Respondent on or about: February 8, 2021.

M Holdings Securities, Inc. signed the Submission Agreement: February 8, 2021.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following cause of action: expungement of Form U5/Termination based on the defamatory nature of the entry.

In the Statement of Answer, Respondent took no position on Claimant's expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: expungement of the defamatory information in his Central Registration Depository ("CRD") records and corresponding Occurrence Numbers

1737967 and 1737969; compensatory damages in the amount of \$1.00 from Respondent; and any other relief as the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that the Claimant's request for \$1.00 in compensatory damages be denied, and that all forum costs and fees be assessed to 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 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 request for \$1.00 in compensatory damages is denied.
2. The Arbitrator recommends the expungement of the Reason for Termination and Termination Explanation in Section 3 of Jason Harry Kurchner's (CRD Number 1173411) Form U5 filed by M Holdings Securities, Inc. on December 19, 2014 and maintained by the Central Registration Depository ("CRD"). The Reason for Termination shall be changed to "Voluntary" and the Termination Explanation should be deleted in its entirety and shall appear blank. This directive shall apply to all references to the Termination Explanation and Reason for Termination.

The Arbitrator further recommends the expungement of all references to Occurrence Numbers 1737967 and 1737969 maintained by the CRD for Jason Harry Kurchner. Any "Yes" answers should be changed to "No," as applicable.

The Arbitrator recommends expungement based on the defamatory nature of the information. The above recommendations are made with the understanding that the registration records are not automatically amended. Jason Harry Kurchner must forward a copy of this Award to FINRA's Credentialing, Registration, Education and Disclosure Department for review.

3. Respondent is liable for and shall pay to Claimant \$25.00 to reimburse Claimant for the non-refundable portion filing fee previously paid to FINRA Dispute Resolution Services.
4. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the 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 M Holding Securities, Inc. is assessed the following:

Member Surcharge	= \$	150.00
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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 5, 2021	1 session	

One (1) hearing session on expungement request @ \$50.00/session	= \$	50.00
Hearing: June 14, 2021	1 session	

Total Hearing Session Fees	= \$	100.00
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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

Kathleen Hoey Gorr

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Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

Arbitrator's Signature

Kathleen Hoey Gorr

Kathleen Hoey Gorr
Sole Public Arbitrator

07/07/2021

Signature Date

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July 07, 2021

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