

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Paul Gorsuch

Case Number: 20-04151

vs.

Respondent
Triad Advisors, LLC

Hearing Site: Chicago, Illinois

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

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Paul Gorsuch (“Claimant”): Gary S. Menzer, Esq. and Michael S. Hill, Esq., Menzer & Hill, P.A., Boca Raton, Florida.

For Respondent Triad Advisors, LLC (“Respondent”): Brian J. Riordan, Esq. and Kathleen M. Klein, Esq., Clausen Miller P.C., Chicago, Illinois.

CASE INFORMATION

Statement of Claim filed on or about: December 23, 2020.
Claimant signed the Submission Agreement: December 22, 2020.

Statement of Answer filed on or about: February 11, 2021.
Respondent signed the Submission Agreement: February 10, 2021.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: breach of contract and warranties, promissory estoppel, violation of state securities statutes, breach of fiduciary duty, negligence and gross negligence, misrepresentation/omission and negligent misrepresentation/omission, unjust enrichment, failure to supervise, common law and statutory claims, and vicarious and control person liability. The causes of action related to allegations that Respondent solicited Claimant to invest in high-risk, high-commissioned, speculative alternative investments in Franklin Square Capital Corporation II and III.

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 compensatory damages of approximately \$71,685.00; rescissionary damages, lost opportunity damages, and accrued statutory interest, pursuant to state laws; punitive damages; attorneys' fees; costs; filing and hearing fees; and other remedies as the Arbitrator deems proper and appropriate.

In the Statement of Answer, Respondent requested that each and every one of Claimant's claims be denied, that the Arbitrator enter judgement in Respondent's favor and against Claimant, and any further relief that the Arbitrator deems just and necessary.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties.

On September 13, 2021, Claimant filed an Emergency Motion to Request Hearing by Zoom or to Postpone ("Emergency Motion"). The same day, Respondent filed an opposition to the Emergency Motion and Claimant filed a Reply in Support of the Emergency Motion. In an Order dated September 15, 2021, the Arbitrator granted the request for a Zoom hearing.

On September 23, 2021, after the conclusion of Claimant's case-in-chief, Respondent filed a Motion to Dismiss pursuant to Rules 12504 and 12206 of the Code of Arbitration Procedure ("Code"). The same day, Claimant filed an Opposition to the Motion to Dismiss and Request for Attorneys' Fees for Frivolous Motion ("Request for Attorneys' Fees"). On the record at the hearing on September 24, 2021, the Arbitrator heard oral arguments on the Motion to Dismiss and Request for Attorneys' Fees and held the decision in abeyance. The Motion to Dismiss and Request for Attorneys' Fees is denied herein.

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. Respondent is liable for and shall pay to Claimant the sum of \$65,000.00 in compensatory damages.
2. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, treble damages, and attorneys' fees, 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	=\$ 975.00
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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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge	=\$ 1,100.00
Member Process Fee	=\$ 2,250.00

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 @ \$450.00/session	=\$ 450.00
Pre-Hearing Conference: April 7, 2021	1 session
Five (5) hearing sessions @ \$450.00/session	=\$ 2,250.00
Hearings: September 22, 2021	2 sessions
September 23, 2021	2 sessions
September 24, 2021	1 session
<hr/> Total Hearing Session Fees	<hr/> =\$ 2,700.00

The Arbitrator has assessed \$1,350.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$1,350.00 of the hearing session fees to Respondent.

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

ARBITRATOR

Thomas Michael Genovese - 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

Thomas Michael Genovese

Thomas Michael Genovese
Sole Public Arbitrator

10/06/2021

Signature Date

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.

October 06, 2021

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