

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

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In the Matter of the Arbitration Between:

Claimant  
Sean Everett Falk

Case Number: 21-00163

vs.

Respondent  
NT Securities LLC

Hearing Site: Chicago, Illinois

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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 Sean Everett Falk (“Claimant”): Frances Menzer, Esq. and Dochter Kennedy, Esq., AdvisorLaw, LLC, Westminster, Colorado.

Respondent NT Securities LLC (“Respondent”) did not appear.

**CASE INFORMATION**

Statement of Claim filed on or about: January 22, 2021.  
Claimant signed the Submission Agreement: January 22, 2021.

Respondent did not file a Statement of Answer or sign a Submission Agreement.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim alleging that the Form U5 filed by Respondent as part of registration records maintained by the Central Registration Depository (“CRD”), is defamatory in nature.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested an award granting expungement of the Form U5 filed by Respondent and relevant portions of the related Form U4, compensatory damages in the amount of \$1.00, and any other relief that the Arbitrator deems just and equitable.

### **OTHER ISSUES CONSIDERED AND DECIDED**

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

Respondent did not file a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code of Arbitration Procedure ("Code") and is bound by the determination of the Arbitrator on all issues submitted.

In the Initial Pre-Hearing Conference Scheduling Order dated May 19, 2021, the Arbitrator ordered Claimant to submit a brief addressing whether Claimant's claim is eligible for arbitration under Rule 13206 of the Code. On June 1, 2021, Claimant filed a Brief on Rule 13206 ("Claimant's Brief").

On June 10, 2021, the Arbitrator heard oral arguments on the issue of eligibility of Claimant's claims. Respondent did not participate. Claimant requested leave to file an additional brief ("Motion for Leave"). In an Order dated June 10, 2021, the Arbitrator granted the Motion for Leave. On June 17, 2021, Claimant filed a Response to the Order dated June 10, 2021.

Herein, the Arbitrator dismisses Claimant's claims on the following grounds:

The Statement of Claim was filed on January 22, 2021. The basis for the claim arose in 2004. More than sixteen years have passed since then. Accordingly, the Statement of Claim is dismissed for untimeliness pursuant to Rule 13206.

Pursuant to Rule 13206 of the Code, Claimant's claims are dismissed without prejudice to any right Claimant has to file in court; Claimant is not prohibited from pursuing his claims in a court pursuant to Rule 13206(b) of the Code.

### **AWARD**

After considering the pleadings, Claimant's Brief and related filings, and the arguments presented at the pre-hearing conference, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's claims are dismissed in their entirety pursuant to FINRA Rule 13206 of the Code.

### **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(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 = \$ 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:

Two (2) pre-hearing sessions @ \$50.00/session		= \$	100.00
Pre-Hearing Conferences: May 19, 2021	1 session		
June 10, 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**

Charles Orlove

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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**

***Charles Orlove***

Charles Orlove  
Sole Public Arbitrator

**07/23/2021**

Signature Date

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July 23, 2021

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