

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

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In the Matter of the Arbitration Between:

Claimant  
Eric Richardson Rocks

Case Number: 21-00196

vs.

Respondent  
Fifth Third Securities, Inc.

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 Eric Richardson Rocks (“Claimant”): Harris Freedman, Esq., and Dochter Kennedy, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Fifth Third Securities, Inc. (“Respondent”): R. Samuel Gilley, Esq., Dinsmore and Shohl LLP, Cincinnati, Ohio.

**CASE INFORMATION**

Statement of Claim filed on or about: January 26, 2021.  
Claimant signed the Submission Agreement: January 26, 2021.

Statement of Answer filed on or about: June 25, 2021.  
Respondent signed the Submission Agreement: June 30, 2021.

**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.

Unless specifically admitted in the Statement of Answer, Respondent denied any and all liability but stated that it neither opposed nor supported Claimant’s request for expungement.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested expungement and/or modification 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 as the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent objected to the award of any relief against it.

At the hearing, Claimant withdrew the request for \$1.00 in compensatory damages.

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

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

On March 18, 2021, Claimant filed a Motion to Bar Defenses Due to Untimely Answer (“Motion to Bar”). No response was filed. In an Order dated May 26, 2021, the Arbitrator denied the Motion to Bar.

Respondent did not appear at the evidentiary hearing. Upon review of the file, the Arbitrator determined that Respondent received due notice of the hearing and that arbitration of the matter would proceed without Respondent present, in accordance with the Code of Arbitration Procedure (“Code”).

### **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. The Arbitrator recommends the expungement of the Reason for Termination and Termination Explanation in Section 3 of Eric Richardson Rocks’ (CRD Number 5261199) Form U5 filed by Fifth Third Securities, Inc. on November 5, 2008 and maintained by the 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 Reason for Termination and Termination Explanation.

The Arbitrator further recommends the expungement of all references to Occurrence Number 1427945 maintained by the CRD for Eric Richardson Rocks. 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. Eric Richardson Rocks must forward a copy of this Award to FINRA’s Credentialing, Registration, Education and Disclosure Department for review.

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	=\$	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
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### Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

July 15, 2021, postponement requested by Claimant	=\$	50.00
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Total Postponement Fees	=\$	50.00
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The Arbitrator has assessed the total postponement fees to Claimant.

### 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 @ \$50.00/session	=\$	50.00
Pre-Hearing Conference: May 25, 2021	1 session	

One (1) hearing session @ \$50.00/session	=\$	50.00
Hearing: August 23, 2021	1 session	

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Total Hearing Session Fees	=\$	100.00
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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**

Ray J. Grzebielski

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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**

***Ray J. Grzebielski***

Ray J. Grzebielski  
Sole Public Arbitrator

**08/24/2021**

Signature Date

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August 24, 2021

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