

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

Darren Christopher Port

Case Number: 21-00452

vs.

Respondent

Waddell & Reed

Hearing Site: Milwaukee, Wisconsin

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 Darren Christopher Port (“Claimant”): Zachary Morse, Esq. and Dochter Kennedy, Esq. AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Waddell & Reed (“Respondent”): Steven J. Alagna, Esq. and Eric D. Martin, Esq., Bryan Cave Leighton Paisner LLP, St. Louis, Missouri.

CASE INFORMATION

Statement of Claim filed on or about: February 19, 2021.

Claimant signed the Submission Agreement: February 18, 2021.

Statement of Answer filed on or about: April 26, 2021.

Respondent signed the Submission Agreement: February 25, 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 the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested 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 as the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that Claimant’s request for expungement and for an award of compensatory damages in the amount of \$1.00 be denied and such other and further relief as the Arbitrator deems just and proper.

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.

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 that the response to the “Allegation(s)” question (Question 4) of the Termination DRP related to Occurrence Number 1935321 maintained by the CRD for Darren Christopher Port be replaced with the following language: “RR terminated for violation of firm policies involving an outside business activity, including a failure to obtain prior approval for the activity as required.” This directive shall apply to all references to the “Allegation(s)” question.

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. Darren Christopher Port Darren Christopher Port 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 of Arbitration Procedure, 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:

One (1) pre-hearing session @ \$50.00/session = \$ 50.00
Pre-Hearing Conference: June 14, 2021 1 session

One (1) hearing session @ \$50.00/session = \$ 50.00
Hearing: October 5, 2021 1 session

Total Hearing Session Fees = \$ 100.00

The Arbitrator has assessed \$50.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$50.00 of the hearing session fees to Respondent.

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

ARBITRATOR

Robert J. Scafuri

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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

Robert J. Scafuri

Robert J. Scafuri
Sole Public Arbitrator

10/08/2021

Signature Date

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October 08, 2021

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