

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Eddie Ghabour

Case Number: 21-00484

vs.

Respondent
Equity Services, Inc.

Hearing Site: Wilmington, Delaware

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

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Eddie Ghabour: Doctor Kennedy, MBA, J.D., and Frances Menzer, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Equity Services, Inc.: Derek C. Anderson, Esq., Winget, Spadafora & Schwartzberg, LLP, Boulder, Colorado.

CASE INFORMATION

Statement of Claim filed on or about: February 22, 2021.

Eddie Ghabour signed the Submission Agreement: February 22, 2021.

Statement of Answer filed by Respondent on or about: April 21, 2021.

Equity Services, Inc. signed the Submission Agreement: April 13, 2021.

CASE SUMMARY

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

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 an award granting expungement of the Form U5 corresponding with Occurrence Number 1182551, and those relevant portions of the Form U4, from Claimant's CRD record on the basis that the statement is defamatory in nature and tends to mislead, to include: amendment of the "Yes" answers to Questions 7A and 7F(1) of Claimant's Form U5 to "No"; amendment of the "Yes" answer to Question 14J(1) of Claimant's Form U4 to "No"; deletion of the Termination Disclosure Reporting Pages accompanying Occurrence Number 1182551; 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 nominal damages be denied, and that all forum costs be assessed to Claimant.

At the hearing, Claimant withdrew the request for \$1.00 in 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 the expungement of the Reason for Termination and Termination Explanation in Section 3 of Eddie Ghabour's (CRD Number 3069984) Form U5 filed by Equity Services, Inc. (CRD Number 265) on February 20, 2004 and maintained by the Central Registration Depository ("CRD"). The Reason for Termination shall be changed to "Voluntary" and the Termination Explanation shall be deleted in its entirety and should 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 1182551 maintained by the CRD for Eddie Ghabour. 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. Eddie Ghabour 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 are denied.

FEES

Pursuant to the Code of Arbitration Procedure ("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

**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 events giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge = \$ 150.00

Postponement Fees

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

September 27, 2021, postponement requested by Claimant = \$ 50.00

Total Postponement Fees = \$ 50.00

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 with a single Arbitrator @ \$50.00/session = \$ 50.00
Pre-Hearing Conference: June 15, 2021 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00
Hearing: October 13, 2021 1 session

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

Robert E. Anderson

-

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 E. Anderson

Robert E. Anderson
Sole Public Arbitrator

10/27/2021

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 27, 2021

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