Award FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant Case Number: 21-01103

LPL Financial, LLC

VS.

Respondent Hearing Site: Jacksonville, Florida

Henry Keith Moore

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: Member vs. Associated Person

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant LPL Financial, LLC: David J. Sensenig, Esq. and Andrew R. Park, Esq., Park Sensenig, Richmond, Virginia.

Respondent Henry Keith Moore did not appear in this matter.

CASE INFORMATION

Statement of Claim filed on or about: April 27, 2021. LPL Financial, LLC signed the Submission Agreement: March 25, 2021.

Henry Keith Moore did not file a Statement of Answer or sign the Submission Agreement.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a cause of action for breach of contract. The cause of action relates to an alleged breach of contract for fees owed by Respondent to Claimant under a Representative Agreement for services provided by Claimant.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: the principal balance due and owing under the Representative Agreement as of November 22, 2020 (\$35,088.49); interest at a rate of 5.25% per annum on the balance due and owing under the Representative Agreement from the date of

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default (December 31, 2020) through the date of payment; the costs of collection and of this proceeding including attorneys' fees as agreed to under the terms of the Representative Agreement; post-award interest; and any and all further relief that this Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

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

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.

Respondent did not file a Statement of Answer. The Arbitrator determined that Respondent was served with the Claim Notification letter dated April 28, 2021, by regular mail and certified mail, and the Overdue Notice (including the Statement of Claim) dated June 18, 2021, by regular and certified mail. The Arbitrator also determined that Respondent was served with the Notification of Arbitrator dated July 19, 2021, by regular and certified mail.

The Claim Notification letter notified Respondent that FINRA rules require parties to use the online DR Portal on a mandatory basis (except pro se investors) and that failure to register for the DR Portal will prevent the submission of pleadings, selection of arbitrators, and receipt of notification relating to case information and deadlines. Respondent failed to register for the DR Portal.

On July 22, 2021, Respondent emailed FINRA staff inquiring about contact information for Claimant. FINRA staff provided Respondent with the contact information for Claimant's counsel.

The Arbitrator determined that Respondent is, therefore, bound by the Arbitrator's ruling and determination.

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.

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 \$35,088.49 in compensatory damages.
- 2. Respondent is liable for and shall pay to Claimant pre-award interest on the compensatory damages award at the rate of 5.25% per annum from December 31, 2020 until the date of the issuance of the Award.

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- 3. Respondent is liable for and shall pay to Claimant post-award interest on the entire award (compensatory damages, pre-award interest, costs, and attorneys' fees) at the rate of 5.25% per annum from the date of issuance of the Award through and including the date the balance is paid in full.
- 4. Respondent is liable for and shall pay to Claimant the sum of \$265.94 in costs.
- 5. Respondent is liable for and shall pay to Claimant the sum of \$5,648.50 in attorneys' fees pursuant to contractual provisions of the Representative Agreement.
- 6. Respondent is liable for and shall pay to Claimant the sum of \$1,000.00 as reimbursement for the non-refundable portion of the claim filing fee previously paid by Claimant to FINRA Dispute Resolution Services.
- 7. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages and treble damages, 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

=\$ 1,450.00

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 event giving rise to the dispute. Accordingly, as a party, Claimant is assessed the following:

Member Surcharge	=\$	750.00
Member Process Fee	=\$	1,750.00

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 sess Pre-Hearing Conference		ator @ \$450.00/session 1 session	=\$	450.00
One (1) hearing session Hearing:	with a single Arbitrator February 1, 2022	@ \$450.00/session 1 session	=\$	450.00
Total Hearing Session F	ees		=\$	900.00

^{*}The filing fee is made up of a non-refundable and a refundable portion.

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The Arbitrator has assessed the total hearing session fees to Respondent.

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

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ARBITRATOR

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

Langfred W. White	02/07/2022
Langfred W. White	Signature Date
Sole Public Arbitrator	<u>-</u>

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February 07, 2022

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