

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

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In the Matter of the Arbitration Between:

Claimant  
LPL Financial, LLC

Case Number: 21-01103

vs.

Respondent  
Henry Keith Moore

Hearing Site: Jacksonville, Florida

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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: 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

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 Arbitration 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.



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.

**ARBITRATOR**

Langfred W. White

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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**

***Langfred W. White***

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Langfred W. White  
Sole Public Arbitrator

**02/07/2022**

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Signature Date

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February 07, 2022

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