

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Tyler Jordan Maddox

Case Number: 21-01145

Respondent
The Huntington Investment Company

Hearing Site: Indianapolis, Indiana

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 Tyler Jordan Maddox (“Claimant”): Mark E. Maddox, Esq., Maddox Hargett & Caruso, P.C., Fishers, Indiana.

For Respondent The Huntington Investment Company (“Respondent”): Elizabeth M. Hill, Esq., The Huntington National Bank, Columbus, Ohio.

CASE INFORMATION

Statement of Claim filed on or about: May 3, 2021.
Claimant signed the Submission Agreement: April 29, 2021.

Statement of Answer filed on or about: July 7, 2021
Respondent signed the Submission Agreement: June 22, 2021.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim seeking expungement of customer dispute information from registration records maintained by the Central Registration Depository (“CRD”).

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses but took no position on Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Number 2117940, compensatory damages in the amount of \$1.00, and such other and further relief that the Panel deems just and equitable.

In the Statement of Answer, Respondent requested that the Panel deny and dismiss all claims Claimant asserted against it, award all forum fees and costs incurred in defense of this action, and any other relief that the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

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

On August 30, 2021, Claimant advised that the customers in Occurrence Number 2117940 (“Customers”) were served with the Statement of Claim and notice of the date and time of the expungement hearing (“Notice”). On September 1, 2021, Claimant filed a USPS proof of delivery of the Notice.

The Panel conducted a recorded hearing by videoconference on October 15, 2021, so the parties could present oral argument and evidence on Claimant’s request for expungement.

Respondent participated in the expungement hearing and, as stated in the Statement of Answer, took no position on the request for expungement.

The Customers did not participate in the expungement hearing. The Panel found that the Customers had notice of the expungement request and hearing.

The Panel reviewed Claimant’s BrokerCheck® Report. The Panel noted that a prior arbitration panel or court did not previously rule on expungement of the same occurrence in the CRD.

The Panel noted that the dispute related to Occurrence Number 2117940 was not settled and, therefore, there was no settlement documentation to review.

In recommending expungement, the Panel relied upon the following documentary or other evidence: Claimant’s testimony and affidavit from Respondent’s investment specialist M.B.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, and any post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant’s claim for \$1.00 in compensatory damages is denied.
2. The Panel recommends the expungement of all references to Occurrence Number 2117940 from registration records maintained by the CRD for Claimant Tyler Jordan Maddox (CRD Number 5881720) with the understanding that, pursuant to Notice to Members 04-16,

Claimant Tyler Jordan Maddox must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 13805 of the Code of Arbitration Procedure (“Code”), the Panel has made the following Rule 2080 affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous;

The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds; and

The claim, allegation, or information is false.

The Panel has made the above Rule 2080 findings based on the following reasons:

At the request of Respondent’s Branch Manager, Claimant arranged the meeting between Respondent’s investment specialist, M.B., and the Customers and was present at the meeting. However, Claimant’s testimony and the Affidavit from M.B. demonstrated clearly that M.B. made the recommendation that the Customers buy the investment product that was at the heart of the dispute. Because Claimant did not make the recommendation that the Customers buy the investment product, it is factually impossible to hold him responsible for the transaction. Per Claimant’s testimony, Respondent’s policy at the time would not allow a relatively junior employee like Claimant to make investment recommendations. Claimant testified that the policy was to refer investment product inquiries to an investment specialist like M.B. Although Claimant was present in the meeting with the Customers, the meeting was held in his office because it is the largest and closest to the lobby entrance.

3. Any and all claims for relief not specifically addressed herein 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	= \$	1,600.00
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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	= \$	2,000.00
Member Process Fee	= \$	3,850.00

Hearing Session Fees and Assessments

The Panel 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 @ \$1,150.00/session	= \$	1,150.00
Pre-Hearing Conference: August 25, 2021	1 session	
One (1) hearing session on expungement request @ \$1,150.00/session	= \$	1,150.00
Hearing: October 15, 2021	1 session	
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Total Hearing Session Fees	= \$	2,300.00

The Panel has assessed the total hearing session fees to Claimant.

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

ARBITRATION PANEL

Sherrill Wm Colvin	-	Public Arbitrator, Presiding Chairperson
John L. Krauss	-	Public Arbitrator
David Joseph Remondini	-	Non-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.

Concurring Arbitrators' Signatures

Sherrill Wm Colvin

Sherrill Wm Colvin
Public Arbitrator, Presiding Chairperson

10/22/2021

Signature Date

John L. Krauss

John L. Krauss
Public Arbitrator

10/22/2021

Signature Date

David Joseph Remondini

David Joseph Remondini
Non-Public Arbitrator

10/22/2021

Signature Date

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October 22, 2021

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