

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Mark Marandino

Case Number: 21-01499

vs.

Respondent
Manya Lowman

Hearing Site: Boca Raton, Florida

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. Customer

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Mark Marandino: Geddes D. Anderson, Jr., Esq. and Eleanor M Samuels, Esq., Murphy & Anderson, P.A., Jacksonville, Florida.

Respondent Manya Lowman appeared pro se.

CASE INFORMATION

Statement of Claim filed on or about: June 11, 2021.

Mark Marandino signed the Submission Agreement: June 11, 2021.

Respondent did not file a Statement of Answer.

Manya Lowman signed the Submission Agreement: June 28, 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”).

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: expungement of Occurrence Number 1030397.

OTHER ISSUES CONSIDERED AND DECIDED

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

On September 13, 2021, Respondent advised FINRA Dispute Resolution Services that she did not intend to participate in this arbitration matter nor at the expungement hearing.

The Panel conducted a recorded hearing by videoconference on November 30, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent did not participate in the expungement hearing. The Panel found that Respondent 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 complaint related to Occurrence Number 1030397 was not settled and, therefore, there was no settlement document to review.

In recommending expungement, the Panel relied upon the following documentary or other evidence: Claimant's testimony; Claimant's Exhibit 1; and Claimant's BrokerCheck® report.

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. The Panel recommends the expungement of all references to Occurrence Number 1030397 from registration records maintained by the CRD for Claimant Mark Marandino (CRD Number 2447987) with the understanding that, pursuant to Notice to Members 04-16, Claimant Mark Marandino 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 claim, allegation, or information is false.

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

The preponderance of the evidence shows that the complaint filed by Respondent

against Claimant was clearly erroneous and false. The undisputed evidence was that Claimant did not fail to make requested trades as earlier alleged by Respondent and, in fact, made the requested trades in a timely manner. The evidence also showed that no settlement was reached between the parties and that Claimant paid nothing of value to Respondent in order to ensure that she did not oppose the request for expungement.

2. 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:

Expungement Filing Fee = \$ 1,600.00

**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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as the member firm that employed Claimant at the time of the events giving rise to the dispute, Ameriprise Financial Services, Inc. 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 Arbitrators, including a pre-hearing conference with the Arbitrators, which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session with the Panel @ \$1,150.00/session = \$ 1,150.00
Pre-Hearing Conference: October 19, 2021 1 session

One (1) hearing session on expungement request @ \$1,150.00/session = \$ 1,150.00
Hearing: November 30, 2021 1 session

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

Robert Steven Haught	-	Public Arbitrator, Presiding Chairperson
Joshua Byrne Spector	-	Public Arbitrator
Robert J Mayer	-	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

Robert Steven Haught

Robert Steven Haught
Public Arbitrator, Presiding Chairperson

12/03/2021

Signature Date

Joshua Byrne Spector

Joshua Byrne Spector
Public Arbitrator

12/06/2021

Signature Date

Robert J Mayer

Robert J Mayer
Non-Public Arbitrator

12/05/2021

Signature Date

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December 06, 2021

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