

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

Lorenza L. Ceballos-Elder

Case Number: 21-01612

vs.

Respondents

Edward Jones and
Cassandra R. Moreno

Hearing Site: Houston, Texas

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: Customer vs. Member and Associated Person

This matter proceeded pursuant to Rule 12800 of the Code of Arbitration Procedure (“Code”).

REPRESENTATION OF PARTIES

Claimant Lorenza L. Ceballos-Elder (“Claimant”) appeared pro se.

For Respondents Edward Jones (“EJ”) and Cassandra R. Moreno (“Moreno”), collectively, “Respondents”: Jonathan W. Hackbarth, Esq., Quarles & Brady LLP, Milwaukee, Wisconsin.

CASE INFORMATION

Statement of Claim filed on or about: June 28, 2021.

Claimant signed the Submission Agreement: June 16, 2021.

Statement of Answer filed on or about: August 17, 2021.

EJ signed the Submission Agreement: August 14, 2021.

Moreno signed the Submission Agreement: August 16, 2021.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim for fraud and alleged that Respondents, with malicious intent and without explanation of the risk, invested her funds in high-risk securities, including American Funds Portfolio Series Income Fund Class A, American Balanced Fund Inc Class A, and Capital Income Builder Class A.

Unless specifically admitted in the Statement of Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested \$7,500.00 in damages, unspecified costs, license suspension, and sanctions.

In the Statement of Answer, Respondents requested that the Arbitrator enter an order denying Claimant's request for relief and taxing all of the costs of this matter to Claimant, expunging all references to this matter from Moreno's registration records maintained by the Central Registration Depository ("CRD"), and granting such other relief in favor of Respondents as the Arbitrator deems just and proper under the circumstances.

OTHER ISSUES CONSIDERED AND DECIDED

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

On October 22, 2021, Claimant opposed conducting an expungement hearing in this matter ("Claimant's Correspondence dated October 22, 2021"). On November 1, 2021, Respondents responded to Claimant's correspondence dated October 22, 2021 ("Respondents' Response"). In an order dated November 10, 2021, the Arbitrator denied Claimant's request that the expungement hearing not proceed and confirmed that the expungement hearing remained scheduled.

The Arbitrator conducted a recorded, telephonic hearing on December 7, 2021, so the parties could present oral argument and evidence on Moreno's request for expungement.

Claimant did not participate in the expungement hearing.

The Arbitrator reviewed Moreno's BrokerCheck® Report. The Arbitrator noted that a prior arbitration panel or court has not previously ruled on expungement of the same occurrence in the CRD.

The Arbitrator noted that this matter was not settled. Accordingly, there was no settlement documentation to review.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: Statement of Claim, Statement of Answer, Moreno's testimony, Moreno's BrokerCheck® Report, Claimant's submission dated September 30, 2021, Respondents' Joint Final Submission, Claimant's Correspondence dated October 22, 2021, Respondents' Response, and Claimant's submission dated November 29, 2021.

AWARD

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

1. Claimant's claims are denied in their entirety.
2. FINRA Dispute Resolution Services shall retain the \$325.00 filing fee that Claimant deposited previously.

3. EJ is liable for and shall pay to Claimant \$325.00 to reimburse Claimant for the filing fee previously paid to FINRA Dispute Resolution Services.
4. FINRA Dispute Resolution Services shall retain the \$400.00 non-refundable portion of the filing fee that Moreno deposited previously.
5. The Arbitrator recommends the expungement of all references to the above-captioned arbitration (Occurrence Number 2143018) from registration records maintained by the CRD for Respondent Cassandra Raquel Moreno (CRD Number 4751516) with the understanding that, pursuant to Notice to Members 04-16, Respondent Cassandra Raquel Moreno 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 12805 of the Code, the Arbitrator has made the following Rule 2080 affirmative finding of fact:

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

The Arbitrator has made the above Rule 2080 finding based on the following reasons:

Claimant opened a self-directed account with EJ in October of 2015. Moreno explained the investments to Claimant prior to the investments being made. The risks associated with the investments were explained to Claimant. The investments were consistent with Claimant's investment objectives and were suitable with her objectives. Fees and expenses associated with the investments were timely disclosed to Claimant. Claimant closed her account in 2016.

6. Any and all relief not specifically addressed herein, including requests for punitive damages and attorneys' fees, if any, are denied.

FEES

Pursuant to the Code:

EJ has paid to FINRA Dispute Resolution Services the \$325.00 Member Surcharge and shall pay to FINRA Dispute Resolution Services the \$3,850.00 Member Process Fee.

One (1) hearing session on expungement request @ \$1,150.00/session	=\$	1,150.00
Hearing Date: December 7, 2021 1 session		
<hr/> Total Hearing Session Fees	<hr/> =\$	<hr/> 1,150.00

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

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

ARBITRATOR

Sherry R. Wetsch

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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

Sherry R. Wetsch

Sherry R. Wetsch
Sole Public Arbitrator

12/09/2021

Signature Date

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December 09, 2021

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