

**Amended Award
FINRA Dispute Resolution Services**

In the Matter of the Arbitration Between:

Claimant

Joseph Robert Weinbauer

Case Number: 21-01911

vs.

Respondent

Berthel Fisher & Company Financial Services, Inc.

Hearing Site: St. Louis, Missouri

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

REPRESENTATION OF PARTIES

For Claimant Joseph Robert Weinbauer (“Claimant”): Zachary Morse, Esq. and Dochter Kennedy, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Berthel Fisher & Company Financial Services, Inc. (“Respondent”): Shelley R. Davenport, Berthel Fisher and Company Financial Services, Inc., Cedar Rapids, Iowa.

CASE INFORMATION

Statement of Claim filed on or about: July 27, 2021.

Claimant signed the Submission Agreement: July 27, 2021.

Statement of Answer filed on or about: September 15, 2021.

Respondent signed the Submission Agreement: September 15, 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”).

In the Statement of Answer, Respondent did not oppose Claimant’s request for expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Number 1977417 and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that the Arbitrator deny Claimant's request for any and all other relief against Respondent and that all FINRA filing fees, hearing fees, etc. be assessed against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

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

On October 8, 2021, the parties stipulated to have this matter heard by an arbitration panel consisting of one arbitrator pursuant to Rule 13401(c) of the Code of Arbitration Procedure ("Code").

The Arbitrator conducted a recorded, telephonic hearing on March 7, 2022, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent did not participate in the expungement hearing.

The customer related to Occurrence Number 1977417 participated in the expungement hearing and opposed the expungement request.

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 request for expungement of Occurrence Number 1977417 from registration records maintained by the CRD is denied.
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:

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 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 session @ \$1,150.00/session		= \$	1,150.00
Pre-Hearing Conference: November 10, 2021	1 session		
Two (2) hearing sessions on expungement request @ \$1,150.00/session		= \$	2,300.00
Hearing: March 7, 2022	2 sessions		
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Total Hearing Session Fees		= \$	3,450.00

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

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

ARBITRATOR

Gregory G. Gocek

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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

Gregory G. Gocek

Gregory G. Gocek
Sole Public Arbitrator

03/10/2022

Signature Date

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March 10, 2022

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