

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

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In the Matter of the Arbitration Between:

Claimant  
Holly Lee Hendrix

Case Number: 21-02088

vs.

Respondent  
UBS Financial Services Inc.

Hearing Site: New York, New York

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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: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant Holly Lee Hendrix: David I. Hantman, Esq., Bressler, Amery & Ross, P.C., New York, New York.

For Respondent UBS Financial Services Inc.: Omar Perez, Esq., UBS Business Solutions US LLC, Nashville, Tennessee.

**CASE INFORMATION**

Statement of Claim filed on or about: August 12, 2021.

Holly Lee Hendrix signed the Submission Agreement: August 12, 2021.

Statement of Answer filed by Respondent on or about: September 8, 2021.

UBS Financial Services Inc. signed the Submission Agreement: September 8, 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 expungement request.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested: expungement of Occurrence Number 2130142.

In the Statement of Answer, Respondent requested that all costs and fees associated with this claim be assessed solely against Claimant.

### **OTHER ISSUES CONSIDERED AND DECIDED**

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

The parties agreed that pursuant to Rule 13401(c) of the Code of Arbitration Procedure, this matter would be decided by one arbitrator.

On November 5, 2021, Claimant filed an Affirmation confirming that the customer in Occurrence Number 2130142 was served with the Statement of Claim and notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded in-person hearing on November 23, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent did not participate in the expungement hearing and as stated in the Statement of Answer, did not oppose the request for expungement.

The customer did not participate in the expungement hearing and did not oppose the request for expungement.

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

The Arbitrator noted that the dispute related to Occurrence Number 2130142 was not settled and, therefore, there was no settlement document to review.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: the pleadings; Claimant's testimony; Claimant's BrokerCheck® Report; and the exhibits.

### **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. The Arbitrator recommends the expungement of all references to Occurrence Number 2130142 from registration records maintained by the CRD for Claimant Holly Lee Hendrix (CRD Number 836958) with the understanding that, pursuant to Notice to Members 04-16, Claimant Holly Lee Hendrix 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 Arbitrator has made the following Rule 2080 affirmative finding of fact:

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

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

Claimant established that the purchase of Puts, which led to the dispute, was made as directed by the customer in the customer’s Trust account and could not have been purchased in the customer’s IRA account, since the customer filled out the application for options trading in her Trust account, and all discussions centered around the Trust account.

The customer erroneously claimed that the Puts against the market should have been purchased in the IRA account rather than the Trust account, after determining the purchase and profits in the Trust account, which resulted in a taxable event that would not have occurred in the IRA account. The documentary evidence establishes that the customer filled out an application for the options trading in the Trust account, not the IRA account.

This Arbitrator determined that Claimant has established the claim in question was factually impossible or clearly erroneous.

### **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 that employed the associated person at the time of the event giving rise to the dispute. Accordingly, as a party, Respondent UBS Financial Services Inc. 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) hearing session on expungement request @ \$1,150.00/session	= \$ 1,150.00
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Hearing: November 23, 2021 1 session

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Total Hearing Session Fees =\$ 1,150.00

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**

Steven C. Kasarda

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Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

**Arbitrator's Signature**

***Steven C. Kasarda***

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Steven C. Kasarda  
Sole Public Arbitrator

**11/24/2021**

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Signature Date

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November 24, 2021

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