

**Award**  
**FINRA Office of Dispute Resolution**

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In the Matter of the Arbitration Between:

Claimant  
Robert Z. Disman

Case Number: 18-04050

vs.

Respondent  
Raymond James Financial Services, Inc.

Hearing Site: Las Vegas, Nevada

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant Robert Z. Disman (“Claimant”): Christopher Cummins, Esq. and Docthor Kennedy MBA, J.D., AdvisorLaw LLC, Westminster, Colorado.

For Respondent Raymond James Financial Services, Inc. (“Respondent”): Stanton A. Fears, Esq., Raymond James Financial, Inc., St. Petersburg, Florida.

**CASE INFORMATION**

Statement of Claim filed on or about: November 28, 2018.  
Claimant signed the Submission Agreement: November 28, 2018.

Statement of Answer filed by Respondent on or about: December 17, 2018.  
Respondent signed the Submission Agreement: December 17, 2018.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim seeking expungement of a FINRA arbitration (“Underlying Arbitration”), occurrence number 1955248, from his Central Registration Depository (“CRD”) records.

In the Statement of Answer, Respondent advised that it does not oppose Claimant’s request for expungement.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested:

1. Expungement of the Underlying Arbitration from his CRD records pursuant FINRA Rule 2080(b)(1)(A) as the claim, allegation, or information is factually

- impossible or clearly erroneous;
2. Expungement of the Underlying Arbitration from his CRD records pursuant FINRA Rule 2080(b)(1)(C) as the claim, allegation, or information is false;
  3. Compensatory damages in the amount of \$1.00 from Respondent; and
  4. Any and all other relief that the Arbitrator deems just and equitable.

At the close of the hearing, Claimant withdrew his request for \$1.00 in compensatory damages from Respondent.

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

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

On March 28, 2019, Claimant provided notice that a copy of the Statement of Claim and notice of the expungement hearing had been served on the customer in the Underlying Arbitration ("Customer"). On April 5, 2019, Claimant submitted an Affidavit of Service advising that the Customer was served with a copy of the Statement of Claim.

On May 1, 2019, the Customer submitted a letter stating that all of his allegations in the original complaint in the Underlying Arbitration were true and accurate but that he did not want to participate any further in the expungement hearing.

The Arbitrator conducted a recorded telephonic hearing on May 2, 2019 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 the Arbitrator found that based on the May 1 letter, the Customer opposed the request for expungement.

The parties present at the hearing have agreed that a handwritten, signed Award may be entered.

### **AWARD**

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

1. Claimant's request for expungement of the Underlying Arbitration, occurrence number 1955248, from his CRD records is denied.
2. Any and all claims for relief not specifically addressed herein are denied.

### **FEES**

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

**Filing Fees**

FINRA Office of Dispute Resolution assessed a filing fee\* for each claim:

Initial Claim Filing Fee = \$50.00

*\*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 a party, Respondent is assessed the following:

Member Surcharge = \$150.00

**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(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session with a single arbitrator @ \$50.00/session = \$50.00  
Pre-hearing conference: March 6, 2019 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$50.00  
Hearing Date: May 2, 2019 1 session

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Total Hearing Session Fees = \$100.00

The Arbitrator has assessed \$100.00 of the hearing session fees to Claimant.

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

**ARBITRATOR**

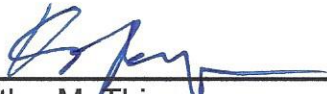
Kirtley M. Thiesmeyer

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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**



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Kirtley M. Thiesmeyer  
Sole Public Arbitrator

23 MAY 2019

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
May 24, 2019

Date of Service (For FINRA Office of Dispute Resolution office use only)