Amended Award
FINRA Dispute Resolution

In the Matter of the Arbitration Between:

Claimant                  Case Number: 15-00221
Brett Hina

vs.

Respondent              Hearing Site: New York, New York
UBS Financial Services Inc.

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant Brett Hina: Brian J. Ellis, Esq., Bressler, Amery & Ross P.C., Florham Park, New Jersey.

For Respondent UBS Financial Services Inc.: Brian J. Ellis, Esq., Bressler, Amery & Ross P.C., Florham Park, New Jersey.

CASE INFORMATION

Statement of Claim filed on or about: January 27, 2015.
Claimant signed the Submission Agreement: January 21, 2015.

Statement of Answer filed by on or about: April 7, 2015.
Respondent signed the Submission Agreement: April 7, 2015.

CASE SUMMARY

Claimant asserted the following cause of action: expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of his CRD records.

Respondent requested that Claimant’s expungement request be granted.
OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges that she has read the pleadings and other materials filed by the parties.

The Arbitrator conducted a recorded hearing on August 25, 2015 so the parties could present oral argument/evidence on Brett Hina’s request for expungement. By email dated September 2, 2015 the customer’s representative from FINRA Case No. 09-06938 confirmed that the customer was notified of the expungement request and chose not to object or participate at the expungement hearing.

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

In recommending expungement the Arbitrator considered the pleadings, Brett Hina’s BrokerCheck Report, CRD records, Profit/loss analysis, Lord, Abbett Report, Marsico Large Cap Growth Report, various account statements, quarterly performance reviews, and the settlement documents. The Arbitrator also considered the amounts paid to Claimant in FINRA Case No. 09-06938 and the other relevant terms and conditions of the settlement. The Arbitrator noted that Brett Hina did not contribute to the settlement, and the settlement was not conditioned on the customer in the above-referenced arbitration not opposing a motion for expungement.

The parties requested that the Award be revised in order to assess the expungement hearing session fees to Claimant.

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. The Arbitrator recommends the expungement of all references to FINRA Case No. 09-06938 from Claimant Brett Hina’s (CRD #2462782) registration records maintained by the Central Registration Depository (“CRD”), with the understanding that, pursuant to Notice to Members 04-16, Claimant Brett Hina 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 findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous; and
The claim, allegation, or information was false.
The Arbitrator has made the above Rule 2080 findings based on the following reasons:

The customer’s portfolio was well diversified and appeared suitable. The customer was kept informed about the Portfolio and no evidence of misrepresentation was found.

2. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

**Filing Fees**
FINRA Dispute Resolution assessed a filing fee* for each claim:
- Initial Claim Filing Fee = $1,575.00

*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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, UBS Financial Services Inc. is assessed the following:
- Member Surcharge = $1,900.00
- Member Process Fee = $3,750.00

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

One (1) Pre-hearing session with a single arbitrator @ $450.00/session = $450.00
Pre-hearing conference: July 13, 2015 1 session

One (1) Hearing session on expungement request @ $450.00/session
Hearing Date: August 25, 2015 1 session = $450.00

Total Hearing Session Fees = $900.00

1. The Arbitrator has assessed $450.00 of the hearing session fees for the expungement hearing to Claimant.
2. The Arbitrator has assessed $450.00 of the hearing session fees to Respondent.

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

Lisa Catalano
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

Lisa Catalano
Sole Public Arbitrator

Signature Date
3/9/16

April 8, 2016
Date of Service (For FINRA Dispute Resolution office use only)