In the Matter of the Arbitration Between:

Claimants
Julius D. Pasqualoni
Sheri C. Pasqualoni

vs.

Respondents
UBS Financial Services Inc.
John C. Campeau
David Ivanovich Jr.

Case Number: 18-00710
Hearing Site: Hartford, Connecticut

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: Customers vs. Member and Associated Persons

This case was decided by a majority-public panel.

REPRESENTATION OF PARTIES


*FINRA recorded the appearance of Claimants' counsel at the time of filing of the Statement of Claim. Counsel's representation of Claimant may have ended with the parties' settlement. Please see the Other Issues Considered and Decided section of this Award for information on whether Claimants' counsel appeared at the expungement hearing.

CASE INFORMATION

Statement of Claim filed on or about: February 21, 2018.
Joint Statement of Answer filed by Respondents on or about: June 1, 2018.
UBS Financial Services Inc. signed the Submission Agreement: March 1, 2018.
John C. Campeau signed the Submission Agreement: May 31, 2018.
David Ivanovich Jr. signed the Submission Agreement: June 1, 2018.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty, breach of contract, professional negligence and negligent misrepresentation. The causes of action relate to various investments made by the Claimants.

Unless specifically admitted in the Joint 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, Claimants requested: unspecified compensatory damages; attorneys’ fees; pre-judgment interest; post-judgement interest; costs; and such other relief as the Panel may deem just and proper.

In the Joint Statement of Answer, Respondents requested that Claimants’ claim be dismissed in its entirety; expungement of John C. Campeau and David Ivanovich Jr.’s Central Registration Depository ("CRD") record; and such other and further relief as deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

On January 10, 2020, Claimants notified FINRA Dispute Resolution Services of a settlement. Therefore, the Panel made no determination with respect to any of the relief requests contained in the Statement of Claim.

On February 26, 2020, Respondents filed a Motion for Expungement, to which no response was filed.

The Panel conducted a recorded, telephonic hearing on April 14, 2020 so the parties could present oral argument and evidence on John C. Campeau and David Ivanovich Jr.’s request for expungement.

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

The Panel reviewed the BrokerCheck® Reports for John C. Campeau and David Ivanovich Jr. The Panel noted that a prior arbitration panel or court has not previously ruled on expungement of the same occurrences in the CRD.
The Panel also reviewed the settlement documents, considered the amount of payments made to any party to the settlement, and considered other relevant terms and conditions of the settlement. The Panel noted that the settlement was not conditioned on any party to the settlement not opposing the request for expungement and that John C. Campeau and David Ivanovich Jr. did not contribute to the settlement amount.

In recommending expungement, the Panel relied upon the following documentary or other evidence: the testimony of John C. Campeau and David Ivanovich Jr., the settlement agreement of the parties, and the investment results achieved as reflected in the monthly statements supplied by Respondents.

The Award in this matter may be executed in counterpart copies.

AWARD

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

1. The Panel recommends the expungement of all references to the above-captioned arbitration from registration records maintained by the CRD for Respondent John C. Campeau (CRD Number 1632249) with the understanding that, pursuant to Notice to Members 04-16, Respondent John C. Campeau 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 of Arbitration Procedure (“Code”), the Panel has made the following Rule 2080 affirmative finding of fact:

The claim, allegation, or information is false.

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

The Panel recommends expungement for John C. Campeau. After hearing arguments and reviewing documents, the Panel has unanimously decided that in accordance with FINRA Rule 2080, the claim filed by Claimants is false. The reasons adopted by the Panel are that the Panel found the investments recommended by petitioners were suitable, in that the Claimants suffered no measurable losses, and in fact profited, and the fees charged by petitioners were in accord with the agreement between the parties and reasonable in amount. The Panel unanimously found that the investments recommended by the petitioners seeking expungement met with their expectations.
2. The Panel recommends the expungement of all references to the above-captioned arbitration from registration records maintained by the CRD for Respondent David Ivanovich Jr. (CRD Number 870056) with the understanding that, pursuant to Notice to Members 04-16, Respondent David Ivanovich Jr. 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 of Arbitration Procedure ("Code"), the Panel has made the following Rule 2080 affirmative finding of fact:

The claim, allegation, or information is false.

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

The Panel recommends expungement for David Ivanovich Jr. After hearing arguments and reviewing documents, the Panel has unanimously decided that in accordance with FINRA Rule 2080, the claim filed by Claimants is false. The reasons adopted by the Panel are that the Panel found the investments recommended by petitioners were suitable, in that the Claimants suffered no measurable losses, and in fact profited, and the fees charged by petitioners were in accord with the agreement between the parties and reasonable in amount. The Panel unanimously found that the investments recommended by the petitioners seeking expungement met with their expectations.

FEES

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

**Filing Fees**

FINRA Dispute Resolution Services 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 persons at the time of the events giving rise to the dispute. Accordingly, Respondent UBS Financial Services Inc. is assessed the following:

- Member Surcharge = $1,900.00
- Member Process Fee = $3,750.00
Postponement Fees
Postponements granted during these proceedings for which fees were assessed or waived:

April 23-26, 2019, postponement requested by Claimants = $1,125.00

Total Postponement Fees = $1,125.00

The Panel has assessed the total postponement fees jointly and severally to Claimants.

Last-Minute Cancellation Fees
Fees apply when a hearing on the merits is cancelled within ten calendar days before the start of a scheduled hearing session:

January 14-17, 2020, settled by Parties. = $1,800.00

Total Last-Minute Cancellation Fees = $1,800.00

The Panel has assessed $900.00 of the last-minute cancellation fees jointly and severally to Claimants.

The Panel has assessed $900.00 of the last-minute cancellation fees jointly and severally to Respondents.

Discovery-Related Motion Fees
Fees apply for each decision rendered on a discovery-related motion.

One (1) decision on a discovery-related motion on the papers with one (1) Arbitrator @ $200.00 = $200.00

Respondents submitted one discovery-related motion.

Total Discovery-Related Motion Fees = $200.00

The Panel has assessed the total discovery-related motion fees jointly and severally to Claimants.

Hearing Session Fees and Assessments
The Panel 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, which lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing session with the Panel @ $1,125.00/session = $2,250.00

Pre-hearing Conference: June 6, 2018 1 session
   June 20, 2019 1 session
One (1) hearing session on expungement request @ $1,125.00/session=$1,125.00
Hearing Dates: April 14, 2020 1 session

| Total Hearing Session Fees | $3,375.00 |

The Panel has assessed $1,687.50 of the hearing session fees jointly and severally to Claimants.

The Panel has assessed $562.50 of the hearing session fees jointly and severally to Respondents.

The Panel has assessed $1,125.00 of the hearing session fees jointly and severally to Respondents John C. Campeau and David Ivanovich Jr. for the hearing on the expungement request.

All balances are payable to FINRA Dispute Resolution Services and are due upon receipt.
I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument which is my award.

Concurring Arbitrators' Signatures

Robert L. Chase  
Robert L. Chase  
Public Arbitrator, Presiding Chairperson  
06/03/2020  
Signature Date

Jeremy Gray Zimmermann  
Jeremy Gray Zimmermann  
Public Arbitrator  
06/04/2020  
Signature Date

April C. Teveris  
April C. Teveris  
Non-Public Arbitrator  
06/04/2020  
Signature Date

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June 08, 2020
Date of Service (For FINRA Dispute Resolution Services use only)