

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

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In the Matter of the Arbitration Between:

Claimant  
Richard Michael Wesselt

Case Number: 18-01854

vs.

Respondent  
The O.N. Equity Sales Company

Hearing Site: Philadelphia, Pennsylvania

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant Richard Michael Wesselt: Doctor Kennedy, MBA, J.D., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent The O.N. Equity Sales Company: Mark E. Elsener, Esq., Ohio National Financial Services, Inc., Cincinnati, Ohio.

**CASE INFORMATION**

Statement of Claim filed on or about: May 15, 2018.

Claimant signed the Submission Agreement: May 15, 2018.

Statement of Answer filed by Respondent on or about: July 16, 2018.

Respondent signed the Submission Agreement: July 16, 2018.

**CASE SUMMARY**

Claimant asserted the following cause of action: expungement.

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 Numbers 1899101 and 1950999 from his CRD records, compensatory damages of \$1.00, and any other relief deemed just and equitable.

In the Statement of Answer, Respondent requested an award deciding Claimant's expungement request, denial of the request for compensatory damages, and that all forum fees and costs be assessed solely against Claimant.

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

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

The Arbitrator conducted a recorded telephonic hearing on November 5, 2018 so that the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent did not participate in the expungement hearing and did not contest the request for expungement.

On October 17, 2018, Claimant notified the customers in the underlying complaints of his request for expungement and of their right to participate in the expungement hearing and also provided the customers with a copy of the Statement of Claim.

On October 29, 2018, the customer in the underlying complaint for Occurrence Number 1899101 submitted a written objection to Claimant's expungement request.

The customers in the underlying complaints did not participate in the expungement hearing.

The Arbitrator finds that the customers do not desire to participate in the expungement hearing and that a decision on the merits of Claimant's request can 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 Occurrence Numbers 1899101 and 1950999 from his CRD records is denied.
2. Any and all claims for relief not specifically addressed herein, including compensatory damages, 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
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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 events giving rise to the dispute. Accordingly, as a party, Respondent The O.N. Equity Sales Company, is assessed the following:

Member Surcharge	= \$ 150.00
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**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, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session @ \$50.00/session	= \$ 50.00
Pre-hearing conference: September 20, 2018	1 session

One (1) hearing session on expungement request @ \$50.00/session	= \$ 50.00
Hearing Date: November 5, 2018	1 session

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Total Hearing Session Fees	= \$100.00
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The Arbitrator has assessed the hearing session fees of \$100.00 to Claimant.

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

**ARBITRATOR**

Joseph J. Dougherty

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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**

Joseph J. Dougherty

11/7/2018

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Joseph J. Dougherty  
Sole Public Arbitrator

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Signature Date

**November 14, 2018**

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