Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant
Bradley S. Ford

vs.

Respondent
USA Financial Securities Corporation

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant Bradley S. Ford (“Claimant”): Jessica M. Lindemann, Esq., Barnes & Thornburg LLP, Indianapolis, Indiana.


CASE INFORMATION

Statement of Claim filed on or about: May 1, 2019.
Claimant signed the Submission Agreement: April 4, 2019.

Statement of Answer filed on or about: June 20, 2019.
Respondent signed the Submission Agreement: June 12, 2019.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim seeking expungement of customer dispute information from his registration records maintained by the Central Registration Depository (“CRD”).

In the Statement of Answer, Respondent supported Claimant’s request for expungement.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Number 1976341 from his CRD records and an award of $1.00 in compensatory damages.

In the Statement of Answer, Respondent did not request relief.
OTHER ISSUES CONSIDERED AND DECIDED

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

On or about September 3, 2019, Claimant submitted an Affidavit of Service with a copy of the letter sent to the customers related to Occurrence Number 1976341 (the “Customers”), which included a copy of the Statement of Claim, notice of the expungement hearing date and time, and notice of the opportunity to participate in the expungement hearing.

On or about September 9, 2019, the Customers filed a written opposition to Claimant’s request for expungement.

The Arbitrator conducted a recorded, in-person hearing on September 11, 2019, so the parties could present oral argument and evidence on Claimant’s request for expungement.

Respondent participated telephonically in the expungement hearing and did not contest Claimant’s request for expungement. The customers related to Occurrence Number 1976341 did not attend the expungement hearing.

The Arbitrator reviewed Claimant’s BrokerCheck® Report.

The Arbitrator noted that there was no settlement with respect to Occurrence Number 1976341. Accordingly, the Arbitrator did not review any settlement documents in this matter.

The Arbitrator noted that Claimant did not previously file a claim requesting expungement of the same disclosure in the CRD.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: USA Client Profile, Risk Awareness Form, Annexus Application, Aviva Withdrawal, Athene Worksheet, USA Financial Disclosure Forms.

AWARD

After considering the pleadings and 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 Occurrence Number 1976341 from registration records maintained by the CRD, for Claimant Bradley S. Ford (CRD# 1649604) with the understanding that, pursuant to Notice to Members 04-16, Claimant Bradley S. Ford 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 (the “Code”), the Arbitrator has made the following Rule 2080 affirmative finding of fact:

- The claim, allegation, or information is false.

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

Review of the disclosures signed by the customers indicates they were made aware of the penalty for early surrender. The customers’ September 9, 2019 written opposition to Claimant’s request for expungement was reviewed but found not to be credible.

2. Claimant’s request for $1.00 in compensatory damages is denied.

**FEES**

Pursuant to the Code, 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 @ $50.00/session
Pre-hearing conference: August 12, 2019
1 session

= $ 50.00

One (1) hearing session on expungement request @ $50.00/session
Hearing Date: September 11, 2019
1 session

= $ 50.00

Total Hearing Session Fees

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

Robert David Epstein - 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

Robert David Epstein 10/03/2019
Robert David Epstein Signature Date
Sole Public Arbitrator

October 03, 2019
Date of Service (For FINRA Office of Dispute Resolution office use only)