In the Matter of the Arbitration Between:

Claimant: Kent W. Burkhart

vs.

Respondent: Charles Schwab & Co., Inc.

Case Number: 19-03798

Hearing Site: Detroit, Michigan

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: Customer vs. Member

This matter proceeded pursuant to Rule 12800 of the Code of Arbitration Procedure ("Code").

REPRESENTATION OF PARTIES

Claimant Kent W. Burkhart ("Claimant") appeared pro se.

For Respondent Charles Schwab & Co., Inc. ("Respondent"): Raymond W. Henney, Esq., Honigman LLP, Detroit, Michigan.

CASE INFORMATION

Statement of Claim filed on or about: January 16, 2020.
Claimant's Response to Respondent's Statement of Answer filed on or about: April 6, 2020.
Claimant signed the Submission Agreement: December 23, 2019.

Statement of Answer filed on or about: March 10, 2020.
Respondent signed the Submission Agreement: March 9, 2020.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty, negligence, breach of contract, and unauthorized trading. Claimant alleges that Respondent sent him a letter notifying him that his three accounts would be closed in less than a month and that, when he experienced problems with transferring his ETFs within that time frame, Respondent sold the ETFs without his permission rather than waiting for the transfers to be completed. Claimant further alleges that the unnecessary sale caused him to incur regular and capital gains taxes and to suffer well-managed account losses.
Unless specifically admitted in the Statement of Answer, Respondent denied the allegations in the Statement of Claim and asserted various affirmative defenses.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested $9,283.00 in actual damages and $15,716.00 in punitive damages.

In the Statement of Answer, Respondent requested that Claimant’s Statement of Claim be dismissed in its entirety and Claimant be awarded nothing, all FINRA forum fees and hearing session fees be assessed solely to Claimant, and the Arbitrator grant such further relief as he deems just and appropriate.

**OTHER ISSUES CONSIDERED AND DECIDED**

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

**AWARD**

After considering the pleadings, the Arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Claimant’s claims are denied in their entirety.

2. Any and all relief not specifically addressed herein, including requests for punitive damages, if any, are denied.

3. FINRA Dispute Resolution Services shall retain the $425.00 filing fee that Claimant deposited previously.

**FEES**

Pursuant to the Code, Respondent has paid to FINRA Dispute Resolution Services the $450.00 Member Surcharge Fee previously invoiced.
ARBTRATOR

Lee H. Goodman - 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

Lee H. Goodman

06/02/2020
Signature Date

Sole Public Arbitrator

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June 03, 2020
Date of Service (For FINRA Dispute Resolution Services use only)