

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Drew S. Freides

Case Number: 23-03642

vs.

Respondent
UBS Financial Services Inc.

Hearing Site: Los Angeles, California

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: Associated Person vs. Member

The expungement hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Drew S. Freides: David I. Hantman, Esq., Bressler, Amery & Ross, P.C., New York, New York.

For Respondent UBS Financial Services Inc.: Melissa J. Gworek, Esq., UBS Business Solutions US LLC, Nashville, Tennessee.

CASE INFORMATION

Statement of Claim filed on or about: December 27, 2023.
Claimant signed the Submission Agreement: December 27, 2023.

Statement of Answer filed by Respondent on or about: January 9, 2024.
Respondent signed the Submission Agreement: January 9, 2024.

CASE SUMMARY

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

In the Statement of Answer, Respondent did not oppose Claimant’s expungement request made in the Statement of Claim.

RELIEF REQUESTED

In the Statement of Claim, Claimant (CRD Number 4262911) requested expungement of Occurrence Number 2305855 pursuant to FINRA Rules 13805 and 2080(b)(1)(A)-(C).

In the Statement of Answer, Respondent requested all costs and fees associated with the claim be assessed against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

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

On March 28, 2024, the authorized representative of the California Department of Financial Protection and Innovation (the state securities regulator for California) submitted a written statement and opposed the expungement request, unless extraordinary evidence is presented at the expungement hearing.

On April 7, 2024, the customer in Occurrence Number 2305855 (“Customer”) submitted a written statement and opposed the expungement request. On June 12, 2024, June 18, 2024, and June 19, 2024, the Customer filed additional written statements opposing the expungement request.

The Panel conducted a recorded hearing by videoconference on June 19, 2024, so the parties could present oral argument and evidence on Claimant’s request for expungement. Claimant participated by videoconference at the expungement hearing. Respondent did not participate in the expungement hearing.

The Customer did not participate in the expungement hearing. The authorized representative of the state securities regulator for California participated in the expungement hearing and opposed the expungement request.

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

AWARD

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

1. Claimant’s request for expungement of Occurrence Number 2305855 from registration records maintained by the CRD is denied.
2. Any and all claims for relief not specifically addressed herein are denied.

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 = \$ 1,600.00

**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 = \$ 2,000.00

Member Process Fee = \$ 3,850.00

Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

April 11, 2024, postponement requested by parties = \$ 1,150.00

Total Postponement Fees = \$ 1,150.00

The Panel has assessed the total postponement fees to Claimant.

Last-Minute Cancellation Fees

Fees apply when a hearing on the merits is cancelled within three business days before the start of a scheduled hearing session:

April 11, 2024, cancellation requested by parties = \$ 1,800.00

Total Last-Minute Cancellation Fees = \$ 1,800.00

The Panel has assessed the total last-minute cancellation fees to Claimant.

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

One (1) hearing session on expungement request @ \$1,150.00/session = \$ 1,150.00
Hearing: June 19, 2024 1 session

Total Hearing Session Fees = \$ 1,150.00

The Panel has assessed the total hearing session fees to Claimant.

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

ARBITRATION PANEL

Stuart Sinai	-	Public Arbitrator, Presiding Chairperson
Mary C. Davis	-	Public Arbitrator
Peter A.P. Dunlop	-	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.

Concurring Arbitrators' Signatures

Stuart Sinai

Stuart Sinai
Public Arbitrator, Presiding Chairperson

06/25/2024

Signature Date

Mary C. Davis

Mary C. Davis
Public Arbitrator

06/24/2024

Signature Date

Peter A.P. Dunlop

Peter A.P. Dunlop
Public Arbitrator

06/24/2024

Signature Date

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June 25, 2024

Date of Service (For FINRA Dispute Resolution Services use only)