

**Expungement Award
FINRA Dispute Resolution Services**

In the Matter of the Arbitration Between:

Claimant
Bruce Martin Kimball

Case Number: 23-02881

vs.

Respondents
Geneos Wealth Management, Inc. and
Securities America, Inc.

Hearing Site: Dallas, Texas

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. Members

REPRESENTATION OF PARTIES

Claimant Bruce Martin Kimball (“Claimant”) was represented by Jennifer P. Farrar, Esq., Farrar Law PLLC, Tomball, Texas, until June 7, 2024, on which date, Claimant’s counsel withdrew. Thereafter, Claimant appeared pro se.

For Respondent Geneos Wealth Management, Inc. (“Geneos”): Victoria H. Buter, Esq., Kutak Rock LLP, Omaha, Nebraska.

For Respondent Securities America, Inc. (“Securities America”): Jennifer R. Cox, Esq., Osaic, Jersey City, New Jersey.

CASE INFORMATION

Statement of Claim filed on or about: October 12, 2023.
Claimant signed the Submission Agreement: October 12, 2023.

Statement of Answer filed by Geneos on or about: December 1, 2023.
Geneos signed the Submission Agreement: November 27, 2023.

Statement of Answer filed by Securities America on or about: December 1, 2023.
Securities America signed the Submission Agreement: December 1, 2023.

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, Geneos did not object to Claimant's expungement request provided Claimant did not seek damages against Geneos.

In the Statement of Answer, Securities America took no position on Claimant's expungement request as it relates to Occurrence Numbers 1537698, 1544041, and 1561352 and denied any and all wrongdoing, to the extent any such wrongdoing is inferred in the Statement of Claim.

RELIEF REQUESTED

In the Statement of Claim, Claimant (CRD Number 2576920) requested expungement of Occurrence Numbers 1537698, 1544041, 1561352, and 1656664 and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Geneos did not request any relief.

In the Statement of Answer, Securities America denied any and all relief Claimant may seek, if any, against it.

OTHER ISSUES CONSIDERED AND DECIDED

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

On December 26, 2023, Claimant filed a Joint Stipulation to Proceed with One Arbitrator pursuant to Rule 13401(c) of the Code of Arbitration Procedure ("Code"). Accordingly, pursuant to Rule 13401(c) of the Code, this matter was decided by a single arbitrator.

The Arbitrator conducted a recorded hearing by videoconference on September 11, 2024, so the parties could present oral argument and evidence on Claimant's request for expungement. Claimant did not participate in the expungement hearing. Geneos and Securities America participated in the expungement hearing.

The customers related to Occurrence Numbers 1537698, 1544041, 1561352, and 1656664 did not participate in the expungement hearing.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, and any post-hearing submissions, 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 1537698, 1544041, 1561352, and 1656664 from registration records maintained by the CRD is denied with prejudice.
2. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the 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 parties, Geneos and Securities America are each 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:

June 18, 2024, postponement requested by Claimant = \$ 1,150.00

Total Postponement Fees = \$ 1,150.00

The Arbitrator has assessed the total postponement fees to Claimant.

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:

June 18, 2024, cancellation requested by Claimant = \$ 600.00

Total Last-Minute Cancellation Fees = \$ 600.00

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

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), which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session @ \$1,150.00/session = \$ 1,150.00

Pre-Hearing Conference: February 7, 2024 1 session

One (1) hearing session on expungement request @ \$1,150.00/session = \$ 1,150.00

Hearing: September 11, 2024 1 session

Total Hearing Session Fees = \$ 2,300.00

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

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

ARBITRATOR

David A. Schuler

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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

David A. Schuler

David A. Schuler
Sole Public Arbitrator

09/11/2024

Signature Date

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September 11, 2024

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