

**Stipulated Award
FINRA Dispute Resolution**

In the Matter of the Arbitration Between:

Claimant
Patrick Raymond Van Hien

Case Number: 13-00429

vs.

Respondent
PCBB Capital Markets, LLC

Hearing Site: San Francisco, California

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant Patrick Raymond Van Hien ("Van Hien"): Montgomery G. Griffin, Esq.,
Law Offices of Montgomery G. Griffin, Newport Beach, California.

For Respondent PCBB Capital Markets, LLC ("PCBB"): Daryl S. Landy, Esq., Morgan,
Lewis & Bockius LLP, Irvine, California.

CASE INFORMATION

Statement of Claim filed on or about: February 8, 2013.

Van Hien signed the Submission Agreement: February 9, 2013.

PCBB Capital Markets, LLC did not file a Statement of Answer.

PCBB Capital Markets, LLC signed the Submission Agreement: July 2, 2013.

CASE SUMMARY

Van Hien asserted the following causes of action: expungement; unpaid wages:
(commissions earned and overtime) in violation of relevant sections of California's Labor
Code; intentional infliction of emotional distress; violation of FINRA Rule 2010; and
defamation.

RELIEF REQUESTED

In the Statement of Claim, Van Hien requested:

1. Compensatory damages and statutory penalties, including, without limitation, Van Hien's unpaid wages, waiting time penalties, and lost future income in an amount according to proof;
2. Presumed damages, in an amount to be determined by the Panel following the hearing;
3. Punitive damages in an amount of not less than \$250,000.00;
4. Reasonable attorneys' fees and costs per applicable statutes in California;
5. Expungement; and
6. All other and further relief that the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

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

The parties agreed to compromise and settle their claims and disputes in this arbitration and entered into a Confidential Settlement Agreement and Mutual Release (the "Settlement Agreement"). The parties agreed to submit a Stipulated Award to FINRA for entry by the Panel in this arbitration. As part of the Settlement Agreement and Mutual Release, PCBB and Van Hien agreed to evenly split the costs of proceeding with this FINRA arbitration in an effort to obtain a Stipulated Award relating to the Historical Form U5.

On August 28, 2013, Van Hien filed an Unopposed Motion for Expungement of Van Hien's Historical Form U5.

The Panel conducted a recorded telephonic hearing on October 30, 2013 so the parties could present evidence on Van Hien's motion for expungement.

The parties agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Stipulated Award may be entered.

AWARD

The parties entered into an agreement to present to the Panel a Stipulated Award. Upon motion of both parties for an entry of an award, the written stipulation thereto, and after considering the pleadings, the testimony and evidence presented at the October 30, 2013 hearing, the Panel grants the motion and enters this award granting the following relief:

1. The Panel recommends the expungement of the Reason for Termination and Termination Explanation in Section 3 of Claimant Patrick Raymond Van Hien's Form U5 (CRD# 5547229), filed by PCBB Capital Markets, LLC on February 17, 2012, and any subsequent amendments maintained by the Central Registration Depository ("CRD"). The current Reason for Termination shall be replaced with "Voluntary" with no Termination Explanation. These recommendations are based on the defamatory nature of the information.

The Panel also recommends the expungement of the "Yes" answers to Questions 7B and 7F(2) of Claimant Patrick Raymond Van Hien's Form U5 (CRD# 5547229), filed by PCBB Capital Markets, LLC on February 17, 2012, and any subsequent amendments maintained by CRD. The "Yes" answers to Questions 7B and 7F(2) shall be changed to "No" and the accompanying Internal Review and Termination DRPs shall be deleted in their entirety. The Panel also recommends expungement of the "Yes" answer to Question 7B and 7F(2) of Claimant Patrick Raymond Van Hien's Form U5 (CRD# 5547229), amended by PCBB Capital Markets, LLC on October 12, 2012 and October 16, 2012 and maintained by CRD. The "Yes" answers to Question 7B and 7F(2) shall be changed to "No" and the accompanying Internal Review and Termination DRPs shall be deleted in their entirety. These recommendations are based on the defamatory nature of the information.

The Panel also recommends that the "Yes" answer to question 14J(2) of the Form U4 filed by Fidelity Brokerage Services on March 23, 2013, and any subsequent amendments, be expunged and replaced with "No." The accompanying Termination DRP shall be deleted in its entirety. These recommendations are based on the defamatory nature of the information.

The Claimant's registration records are not automatically amended to include the changes indicated above. Claimant Patrick Raymond Van Hien must forward a copy of this Stipulated Award to FINRA's Registration and Disclosure Department for the amendments to be incorporated into his registration records.

2. Any and all relief not specifically addressed herein, including punitive and/or treble damages, is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

FINRA Dispute Resolution will retain or collect the non-refundable filing fees* for each claim:

Initial Claim Filing Fee = \$1,425.00

**The filing fee is made up of a non-refundable and a refundable portion.*

Pursuant to Armendariz v. Foundation Health Psychcare Services, Inc., 24 Cal.4th 83 (2000), Van Hien is assessed a \$200.00 filing fee. The balance of the non-refundable portion of Van Hien's filing fee in the amount of \$100.00, is assessed to PCBB.

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, PCBB Capital Markets, LLC is assessed the following:

Member Surcharge	= \$1,700.00
Pre-Hearing Processing Fee	= \$ 750.00
Hearing Processing Fee	= \$2,750.00

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

One (1) Hearing session with the Panel @ \$1,125.00/session	= \$1,125.00
Hearing date: October 30, 2013 1 session	

Total Hearing Session Fees	= \$1,125.00
----------------------------	--------------

1. In accordance with the parties' agreement, the Panel has assessed \$562.50 of the hearing session fees to Van Hien.
2. In accordance with the parties' agreement, the Panel has assessed \$562.50 of the hearing session fees to PCBB.

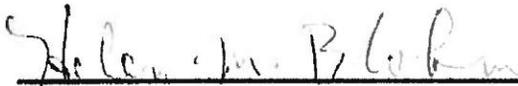
All balances are due and payable to FINRA Dispute Resolution upon receipt.

ARBITRATION PANEL

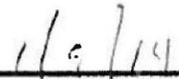
Helen Marinak Blohm	-	Public Arbitrator, Presiding Chairperson
Shawn Ridgell	-	Public Arbitrator
Carlos Richard Mangum	-	Non-Public Arbitrator

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



Helen Marinak Blohm
Public Arbitrator, Presiding Chairperson



Signature Date

Shawn Ridgell
Public Arbitrator

Signature Date

Carlos Richard Mangum
Non-Public Arbitrator

Signature Date

January 30, 2014
Date of Service (For FINRA Dispute Resolution office use only)

ARBITRATION PANEL

Helen Marinak Blohm	-	Public Arbitrator, Presiding Chairperson
Shawn Ridgell	-	Public Arbitrator
Carlos Richard Mangum	-	Non-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

Helen Marinak Blohm
Public Arbitrator, Presiding Chairperson

Signature Date



1/28/14

Shawn Ridgell
Public Arbitrator

Signature Date

Carlos Richard Mangum
Non-Public Arbitrator

Signature Date

January 30, 2014
Date of Service (For FINRA Dispute Resolution office use only)

ARBITRATION PANEL

Helen Marinak Blohm	-	Public Arbitrator, Presiding Chairperson
Shawn Ridgell	-	Public Arbitrator
Carlos Richard Mangum	-	Non-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

Helen Marinak Blohm
Public Arbitrator, Presiding Chairperson

Signature Date

Shawn Ridgell
Public Arbitrator

Signature Date



Carlos Richard Mangum
Non-Public Arbitrator

1-9-14

Signature Date

January 30, 2013.

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