

**Award**  
**FINRA Dispute Resolution Services**

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In the Matter of the Arbitration Between:

Claimant  
SunTrust Investment Services, Inc.

Case Number: 18-03389

vs.

Respondent  
Roberto Lopez

Hearing Site: Miami, Florida

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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: Member vs. Associated Person

**REPRESENTATION OF PARTIES**

For Claimant SunTrust Investment Services, Inc. (“Claimant”): Andrew Froman, Esq., Fisher & Phillips LLP, Tampa, Florida.

Respondent Roberto Lopez a/k/a Roberto “Tucker” Maria Lopez (“Respondent”) appeared pro se.

**CASE INFORMATION**

Statement of Claim filed on or about: September 27, 2018.  
Reply to Statement of Answer filed on or about: November 29, 2018.  
Claimant signed the Submission Agreement: September 26, 2018.

Statement of Answer filed on or about: November 13, 2018.  
Respondent signed the Submission Agreement: November 13, 2018.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a cause of action for breach of contract. The cause of action related to Claimant’s allegation that Respondent failed to repay the prorated signing bonus that became due upon the termination of Respondent’s employment with Claimant, pursuant to an executed offer letter governed by the laws of the State of Georgia.

In the Statement of Answer, Respondent responded to the allegations made in the Statement of Claim and asserted various defenses.

In the Reply to Statement of Answer, Claimant refuted allegations in the Statement of Answer.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested an award of compensatory damages in the amount of \$83,380.00, pre-judgment interest, costs, attorneys' fees, and any and all other relief that the Arbitrator may deem just and proper.

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

In the Reply to Statement of Answer, Claimant did not request any additional relief.

At the hearing, Respondent requested \$96,836.00 in damages or, in the alternative, that each party receive \$0.00.

### **OTHER ISSUES CONSIDERED AND DECIDED**

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

At the hearing, Respondent presented a Counterclaim for consideration by the Arbitrator, alleging that Claimant's business practices caused him to experience financial losses. Claimant did not object to Respondent presenting a Counterclaim. The Arbitrator took the Counterclaim under consideration.

### **AWARD**

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

1. Respondent is liable for and shall pay to Claimant the sum of \$75,380.00 in compensatory damages.
2. Respondent is liable for and shall pay to Claimant interest on the above-stated sum at the current prevailing Georgia statutory interest rate from November 29, 2017 through and including the date this Award.
3. Respondent is liable for and shall pay to Claimant costs in an amount to be determined by a court of competent jurisdiction.
4. Respondent is liable for and shall pay to Claimant attorneys' fees, pursuant to the offer letter executed by Respondent on June 27, 2013, in an amount to be determined by a court of competent jurisdiction.
5. Respondent's Counterclaim is denied.
6. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages and treble damages, are denied.

## FEES

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

### Filing Fees

FINRA Dispute Resolution Services assessed a filing fee\* for each claim:

Initial Claim Filing Fee	=\$	1,750.00
Counterclaim Filing Fee	=\$	975.00

*\*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, Claimant, is assessed the following:

Member Surcharge	=\$	1,100.00
Member Process Fee	=\$	2,250.00

### Postponement Fees

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

January 27-29, 2020, postponement requested by Respondent	=\$	450.00
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Total Postponement Fees	=\$	450.00

The Arbitrator has assessed the total postponement fees to Respondent.

### Discovery-Related Motion Fees

Fees apply for each decision rendered on a discovery-related motion.

Two (2) decisions on discovery-related motions on the papers with one (1) Arbitrator @ \$200.00/decision	=\$	400.00
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Claimant submitted one (1) discovery-related motion  
Respondent submitted one (1) discovery-related motion

Total Discovery-Related Motion Fees	=\$	400.00
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The Arbitrator has assessed \$300.00 of the discovery-related motion fees to Claimant.

The Arbitrator has assessed \$100.00 of the discovery-related motion fees to Respondent.

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

Four (4) pre-hearing sessions @ \$450.00/session		= \$	1,800.00
Pre-Hearing Conferences: January 24, 2019	1 session		
March 5, 2020	1 session		
August 11, 2020	1 session		
April 26, 2021	1 session		
Two (2) hearing sessions @ \$450.00/session		= \$	900.00
Hearing: August 18, 2021	2 sessions		
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Total Hearing Session Fees		= \$	2,700.00

The Arbitrator has assessed \$1,350.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$1,350.00 of the hearing session fees to Respondent.

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

**ARBITRATOR**

Seth L. Finkel

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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**

***Seth L. Finkel***

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Seth L. Finkel  
Sole Public Arbitrator

**09/17/2021**

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Signature Date

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September 17, 2021

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