

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

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In the Matter of the Arbitration Between:

Claimant  
Shawn Adam Lawson

Case Number: 18-03893

vs.

Respondent  
Charles Schwab & Co., Inc.

Hearing Site: Denver, Colorado

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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: Associated Person vs. Member

The evidentiary hearing was conducted by videoconference.

**REPRESENTATION OF PARTIES**

For Claimant Shawn Adam Lawson (“Claimant”): Clinton W. Marrs, Marrs Griebel Law, Ltd., Albuquerque, New Mexico.

For Respondent Charles Schwab & Co., Inc. (“Respondent”): Connor M. Trafton, Esq., Keesal, Young & Logan, Long Beach, California.

**CASE INFORMATION**

Statement of Claim filed on or about: November 9, 2018.  
Claimant signed the Submission Agreement: October 26, 2018.

Statement of Answer filed by Respondent on or about: January 4, 2019.  
Respondent signed the Submission Agreement: December 27, 2018.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted the following causes of action: the Form U5 filed by Respondent, as part of registration records maintained by the Central Registration Depository (“CRD”), is defamatory in nature; defamation; defamation per se; fraud; breach of implied covenant of good faith and fair dealing; tortious breach of implied covenant of good faith and fair dealing; negligence; and unjust enrichment. The causes of action relate to Claimant’s termination of employment with Respondent.

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested:

1. Expungement of Claimant's Form U5 pursuant to a finding the information in the Form U5 and CRD records are defamatory and portrays Claimant in a negative light;
2. Compensatory damages in an amount to be proven at the arbitration hearing on the merits;
3. Special damages in an amount to be proven at the arbitration hearing on the merits, plus pre-award interest on such special damages;
4. Punitive damages or, alternatively, up to treble damages, in a principal amount to be proven at the arbitration hearing on the merits;
5. Reimbursement for all costs, including costs incurred by Claimant prior to this proceeding and the filing fees and forum fees, and other expense, incurred in this proceeding;
6. Reimbursement for expert fees, including expert fees incurred prior to this proceeding and the expert fees incurred in this proceeding;
7. Reimbursement for attorneys' fees, including attorneys' fees incurred prior to this proceeding and the attorneys' fees incurred in this proceeding;
8. Post-award interest on the total principal amount of the award at a rate equal to at least maximum rate of interest allowed by law from the date of award until the award is paid in full; and
9. Such other and further relief as is just and proper.

In the Statement of Answer, Respondent requested:

1. Claimant take nothing by his Statement of Claim;
2. Judgment be entered in favor of Respondent and against Claimant;
3. Costs incurred in this proceeding; and
4. Such other and further relief as the Panel may deem appropriate.

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

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

On September 14, 2021, Respondent filed a notice of settlement of all claims except for Claimant's expungement request. On September 15, 2021, Claimant filed a confirmation of the settlement of all claims except for Claimant's claim for expungement. Therefore, the Panel made no determination with respect to any of the relief requests other than Claimant's request for expungement of this Form U5.

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

### **AWARD**

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

1. The Panel recommends the expungement of all references to Occurrence Numbers 1964765 and 1964766 maintained by the CRD for Claimant Shawn Adam Lawson (CRD Number 3211451). Any "Yes" answers should be changed to "No," as applicable.

The Panel recommends expungement based on the defamatory nature of the information. The above recommendations are made with the understanding that the registration records are not automatically amended. Claimant Shawn Adam Lawson must forward a copy of this Award to FINRA's Credentialing, Registration, Education and Disclosure Department for review.

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	= \$	1,575.00
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*\*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	= \$	1,900.00
Member Process Fee	= \$	3,750.00

#### **Postponement Fees**

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

November 13-15, 2019, postponement requested by Parties	= \$	Waived
July 27-31, 2020, postponement requested by Parties	= \$	Waived

#### **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:

November 13-15, 2019, cancellation requested by Parties	= \$	Waived
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#### **Discovery-Related Motion Fees**

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

One (1) decision on a discovery-related motion on the papers with one (1) Arbitrator @ \$200.00/decision	= \$	200.00
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Respondent submitted one (1) discovery-related motion

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Total Discovery-Related Motion Fees	= \$	200.00
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The Panel has assessed the total discovery-related motion fees to Respondent.

**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:

Three (3) pre-hearing sessions with the Panel @ \$1,125.00/session	= \$	3,375.00
Pre-Hearing Conferences: March 4, 2019	1 session	
March 8, 2021	1 session	
August 20, 2021	1 session	
Three (3) hearing sessions @ \$1,125.00/session	= \$	3,375.00
Hearing: November 12, 2019	2 sessions	
October 5, 2021	1 session	

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Total Hearing Session Fees	= \$	6,750.00
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The Panel waived \$1,125.00 of the hearing sessions fees.

The Panel has assessed \$2,812.50 of the hearing session fees to Claimant.

The Panel has assessed \$2,812.50 of the hearing session fees to Respondent.

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

**ARBITRATION PANEL**

Richard Djokic	-	Public Arbitrator, Presiding Chairperson
Ronald G. Guida	-	Public Arbitrator
Henry Zabarsky	-	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**

***Richard Djokic***

Richard Djokic  
Public Arbitrator, Presiding Chairperson

**10/13/2021**

Signature Date

***Ronald G. Guida***

Ronald G. Guida  
Public Arbitrator

**10/13/2021**

Signature Date

***Henry Zabarsky***

Henry Zabarsky  
Non-Public Arbitrator

**10/14/2021**

Signature Date

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October 15, 2021

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