

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Alfred L. Woodard

Case Number: 20-00069

vs.

Respondents
Rockwell Global Capital LLC
Douglas Joseph Guarino
Bruce Jude Guarino
Jonothon Michael Lieberman

Hearing Site: Atlanta, Georgia

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: Customer vs. Member and Associated Persons

This case was decided by a majority-public panel.

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Alfred L. Woodard (“Claimant”): Jonathan E. Neuman, Esq., Law Offices of Jonathan E. Neuman, Esq., Fresh Meadows, New York.

For Respondents Bruce Jude Guarino (“Bruce Guarino”) and Rockwell Global Capital LLC (“Rockwell Global Capital”): Robert M. Bursky, Esq., Robert M. Bursky, Esq., Melville, New York.

Respondent Douglas Joseph Guarino (“Douglas Guarino”) appeared pro se.

Respondent Jonothon Michael Lieberman (“Lieberman”) did not enter an appearance.

Hereinafter, Rockwell Global Capital, Bruce Guarino, Douglas Guarino, and Lieberman are collectively referred to as “Respondents”.

CASE INFORMATION

Statement of Claim filed on or about: January 7, 2020.

Claimant signed the Submission Agreement: January 7, 2020.

Statement of Answer filed by Rockwell Global Capital, Douglas Guarino, and Bruce Guarino on or about: February 26, 2020.

Rockwell Global Capital, Douglas Guarino, and Bruce Guarino did not sign the Submission Agreements.

Lieberman did not file a Statement of Answer or sign the Submission Agreement.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: negligence and qualitative and quantitative unsuitability; failure to supervise; breach of fiduciary duty; breach of contract; negligent misrepresentation and omissions; and lost opportunity damages. The causes of action relate to Claimant's IRA account, individual account and corporate account with Rockwell Global Capital.

In the Statement of Answer, Rockwell Global Capital, Douglas Guarino, and Bruce Guarino denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. \$252,546.00 in compensatory damages;
2. Costs;
3. Forum fees; and
4. Any other damages determined during the arbitration process as deemed appropriate by the Panel.

In the Statement of Answer, Rockwell Global Capital, Douglas Guarino, and Bruce Guarino requested:

1. Claimant's claims be dismissed with prejudice;
2. Claimant be assessed all forum fees and other FINRA charges;
3. Claimant pay reasonable attorneys' fees and expenses incurred in this arbitration; and
4. Such other and further relief as is permitted by law and which 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.

Rockwell Global Capital, Douglas Guarino, and Bruce Guarino did not file properly executed Submission Agreements. Rockwell Global Capital, Douglas Guarino, and Bruce Guarino are required to submit to arbitration pursuant to the Code of Arbitration Procedure ("Code") and, having answered the claim, are bound by the determination of the Panel on all issues submitted.

Lieberman did not file properly executed Submission Agreement. Lieberman is required to submit to arbitration pursuant to the Code and is bound by the determination of the Panel on all issues submitted.

Lieberman did not file a Statement of Answer. The Panel determined that Lieberman was served with the Claim Notification letter dated January 8, 2020, by regular and certified mail, the Overdue Notice (including the Statement of Claim) dated April 6, 2020 by FedEx, and that Lieberman was served with the Notification of Panel dated May 4, 2020 by FedEx.

The Claim Notification letter notified Lieberman that FINRA rules require parties to use the online DR Portal on a mandatory basis (except pro se investors) and that failure to register for the DR Portal will prevent the submission of pleadings, selection of arbitrators, and receipt of notification relating to case information and deadlines. Lieberman failed to register for the DR Portal.

Douglas Guarino was initially represented by counsel, but later became pro se. Douglas Guarino failed to register for the DR Portal after becoming pro se.

The Panel determined that Douglas Guarino and Lieberman are, bound by the Panel's ruling and determination.

On January 18, 2022, Claimant filed a Motion for Virtual Final Hearing via Zoom. On January 28, 2022, Rockwell Capital Group and Bruce Guarino filed their opposition to the motion. On February 7, 2022, the Panel granted the motion.

Douglas Guarino and Lieberman did not appear at the evidentiary hearing. Upon review of the file, the Panel determined that Douglas Guarino and Lieberman received due notice of the hearing and that arbitration of the matter would proceed without Douglas Guarino and Lieberman present, in accordance with the Code.

The Panel has provided an explanation of the decision in this award. The explanation is for the information of the parties only and is not precedential in nature.

FINDINGS

The Panel decided that there was insufficient evidence offered to prove that Douglas Guarino had breached any fiduciary duty, breached any contract or failed to supervise the broker who handled Claimant's account at Rockwell Global Capital. It was therefore the Panel's intent to absolve him from any liability in this matter.

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. Rockwell Capital Group, Lieberman, and Bruce Guarino are jointly and severally liable for and shall pay to Claimant the sum of \$80,000.00 in compensatory damages.
2. Rockwell Capital Group, Lieberman, and Bruce Guarino are jointly and severally liable for and shall pay to Claimant \$300.00 to reimburse Claimant for the non-refundable portion of Claimant's filing fee.

3. Any and all claims for relief not specifically addressed herein, including any requests for attorneys' fees, 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	= \$	1,425.00
--------------------------	------	----------

**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, Rockwell Global Capital 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:

July 7-9, 2021, postponement requested by parties	=	WAIVED
---	---	--------

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

Two (2) pre-hearing sessions with the Panel @ \$1,125.00/session	= \$	2,250.00
Pre-Hearing Conferences: May 29, 2020	1 session	
March 12, 2021	1 session	
Four (4) hearing sessions @ \$1,125.00/session	= \$	4,500.00
Hearings: February 16, 2022	2 sessions	
February 17, 2022	2 sessions	

Total Hearing Session Fees	= \$	6,750.00
----------------------------	------	----------

The Panel has assessed the total hearing session fees jointly and severally to Rockwell Global Capital, Lieberman, and Bruce Guarino.

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

ARBITRATION PANEL

George Pinckney Shingler	-	Public Arbitrator, Presiding Chairperson
Brandt Leonard Ross	-	Public Arbitrator
Ernest Linwood Gunn, IV	-	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

George Pinckney Shingler

George Pinckney Shingler
Public Arbitrator, Presiding Chairperson

02/23/2022

Signature Date

Brandt Leonard Ross

Brandt Leonard Ross
Public Arbitrator

02/23/2022

Signature Date

Ernest Linwood Gunn, IV

Ernest Linwood Gunn, IV
Non-Public Arbitrator

02/23/2022

Signature Date

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.

February 24, 2022

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