

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Todd Anthony Cirella

Case Number: 20-00501

vs.

Respondent
Laidlaw & Company (UK) Ltd.

Hearing Site: New York, New York

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 Todd A. Cirella: Thomas P. McEvoy, Esq. and Michael H. Ference, Esq., Sichenzia Ross Ference LLP, New York, New York.

For Respondent Laidlaw & Company (UK) Ltd.: Charles Smulevitz, Laidlaw & Company (UK) Ltd., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: February 12, 2020.

Todd Anthony Cirella signed the Submission Agreement: February 12, 2020.

Statement of Answer filed by Respondent on or about: February 26, 2020.

Laidlaw & Company (UK) Ltd. signed the Submission Agreement: February 26, 2020.

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, Respondent did not contest Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: expungement of Occurrence Numbers 255528, 331691, 1223481, 206685, 347054, 738829, 1482157, 1568436 and 1599447 and compensatory damages in the amount of \$1.00 from Respondent.

In the Statement of Answer, Respondent requested that any request for monetary compensation be denied.

At the hearing, Claimant withdrew the request for \$1.00 in damages.

OTHER ISSUES CONSIDERED AND DECIDED

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

On September 8, 2020, Claimant withdrew without prejudice those claims from his Statement of Claim dated February 12, 2020, seeking expungement of the following occurrence numbers: 1482157, 1599447, 347054, 738829 and 1568436.

On February 4, 2021, Claimant advised that the customers in Occurrence Numbers 255528, 331691, 1223481 and 206685 (“customers”) were served with the Statement of Claim and notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded hearing by videoconference on February 24, 2021, so the parties could present oral argument and evidence on Claimant’s request for expungement.

Respondent did not participate in the expungement hearing and did not oppose the request for expungement.

The customers in Occurrence Numbers 255528, 331691, 1223481 and 206685 did not participate in the expungement hearing. The Arbitrator found that the customers had notice of the expungement request and hearing.

The Arbitrator reviewed Claimant’s BrokerCheck® Report. The Arbitrator noted that a prior arbitration panel or court did not previously rule on expungement of the same occurrences in the CRD.

The Arbitrator also reviewed the settlement documentation related to Occurrence Number 1223481, considered the amount of payment made to any party to the settlement, and considered other relevant terms and conditions of the settlement. The Arbitrator noted that the settlement was not conditioned on any party to the settlement not opposing the expungement request and that Claimant did not contribute to the settlement amount.

The Arbitrator did not review the settlement documentation related to Occurrence Number 255528 due to the age of the occurrence. The Arbitrator considered the amount of payment made to any party to settlement. Based on Claimant’s testimony, the Arbitrator noted that the settlement was not conditioned on any party to the settlement not opposing the expungement request and that Claimant did not contribute to the settlement amount.

The Arbitrator also did not review the settlement documentation related to Occurrence Number 331691 due to the age of the occurrence. The Arbitrator considered the amount of payment made to any party to the settlement. Based on Claimant's testimony, the Arbitrator noted that the settlement was not conditioned on any party to the settlement not opposing the expungement request. Claimant contributed to the settlement amount, but expungement is still appropriate as the Arbitrator found that the contribution was deducted from Claimant's compensation without prior notice to Claimant and over Claimant's objection.

The Arbitrator noted that the dispute related to Occurrence Number 206685 was not settled and, therefore, there was no settlement document to review.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: the pleadings; Claimant's testimony; Claimant's BrokerCheck® Report; and the exhibits.

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. The Arbitrator recommends the expungement of all references to Occurrence Number 255528 from registration records maintained by the CRD for Claimant Todd Anthony Cirella (CRD Number 2396336) with the understanding that, pursuant to Notice to Members 04-16, Claimant Todd Anthony Cirella must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 13805 of the Code of Arbitration Procedure ("Code"), the Arbitrator has made the following Rule 2080 affirmative finding of fact:

The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds and the claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 finding based on the following reasons:

The evidence showed that Claimant made no investment recommendations and he was not involved in the alleged improper sales practice. Claimant testified that he was a junior broker at the time of the occurrence and that his role was limited to opening accounts. Claimant made no payment of damages which were paid by a third-party.

2. The Arbitrator recommends the expungement of all references to Occurrence Number 331691 from registration records maintained by the CRD for Claimant Todd Anthony Cirella (CRD Number 2396336) with the understanding that, pursuant to Notice to Members 04-16, Claimant Todd Anthony Cirella must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 13805 of the Code of Arbitration Procedure (“Code”), the Arbitrator has made the following Rule 2080 affirmative finding of fact:

The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds and the claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 finding based on the following reasons:

The evidence showed that Claimant made no investment recommendations and he was not involved in the alleged improper trade practices. Claimant testified that he was a junior broker at the time of the occurrence and that his role was limited to opening accounts. The evidence also showed that the customer’s account appreciated in value and that Claimant had no involvement in the settlement negotiations. Claimant’s contribution to the settlement was deducted by the brokerage firm from Claimant’s compensation without prior notice to Claimant and over Claimant’s objection.

3. The Arbitrator recommends the expungement of all references to Occurrence Number 1223481 from registration records maintained by the CRD for Claimant Todd Anthony Cirella (CRD Number 2396336) with the understanding that, pursuant to Notice to Members 04-16, Claimant Todd Anthony Cirella must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 13805 of the Code of Arbitration Procedure (“Code”), the Arbitrator has made the following Rule 2080 affirmative finding of fact:

The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds and the claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 finding based on the following reasons:

The evidence showed that Claimant made no investment recommendations and he was not involved in the alleged improper trade practices. Indeed, the evidence showed that Claimant had never communicated or even spoken to the customer. Claimant testified

that he was a junior broker at the time of the occurrence and that his role was limited to opening accounts.

4. The Arbitrator recommends the expungement of all references to Occurrence Number 206685 from registration records maintained by the CRD for Claimant Todd Anthony Cirella (CRD Number 2396336) with the understanding that, pursuant to Notice to Members 04-16, Claimant Todd Anthony Cirella must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 13805 of the Code of Arbitration Procedure (“Code”), the Arbitrator has made the following Rule 2080 affirmative finding of fact:

The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds and the claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 finding based on the following reasons:

The evidence showed that Claimant had no involvement with administering the account or executing trades, so he was not involved in the alleged improper trade practice. The customer’s complaint against Claimant was dismissed in an Arbitration Proceeding and Claimant did not contribute to the damage award.

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 = \$ 50.00

**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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Respondent Laidlaw & Company (UK) Ltd. is assessed the following:

Member Surcharge = \$ 150.00

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:

Two (2) pre-hearing sessions with a single Arbitrator @ \$50.00/session	= \$ 100.00
Pre-Hearing Conferences: April 16, 2020	1 session
September 10, 2020	1 session

One (1) hearing session on expungement request @ \$50.00/session	= \$ 50.00
Hearing: February 24, 2021	1 session

Total Hearing Session Fees	= \$ 150.00
----------------------------	-------------

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

John F. Duane

-

Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

Arbitrator's Signature

John F. Duane

John F. Duane
Sole Public Arbitrator

03/01/2021

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.

March 01, 2021

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