

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

Christopher Ronald DiGregorio

Case Number: 20-01435

vs.

Respondent

Oppenheimer & Co., Inc.

Hearing Site: Jersey City, New Jersey

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

This case was administered under the Special Proceeding option for simplified cases.

REPRESENTATION OF PARTIES

For Claimant Christopher Ronald DiGregorio: Daniel D'Costa, Esq., D'Costa Law P.C., Hicksville, New York.

For Respondent Oppenheimer & Co., Inc.: Nicola Anne Murphy, Esq., Oppenheimer & Co., Inc., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: May 6, 2020.

Christopher Ronald DiGregorio signed the Submission Agreement: June 23, 2020.

Statement of Answer filed by Respondent on or about: August 13, 2020.

Oppenheimer & Co., Inc. signed the Submission Agreement: August 13, 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 oppose Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Numbers 1420033 and 1610395; and compensatory damages in the amount of \$1.00 from Respondent.

In the Statement of Answer, Respondent requested that the Arbitrator deny Claimant's request for monetary damages.

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 March 24, 2021, Claimant advised that the customers in Occurrence Numbers 1420033 and 1610395 ("customers") were served with the Statement of Claim and notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded, telephonic hearing on June 10, 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, as stated in the Statement of Answer, did not oppose the request for expungement.

The customers 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 noted that the dispute related to Occurrence Number 1420033 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: pleadings, exhibits, Claimant's testimony, and Claimant's BrokerCheck® Report.

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. Claimant's request for expungement of Occurrence Number 1610395 from his registration records maintained by the CRD is denied.

2. The Arbitrator recommends the expungement of all references to Occurrence Number 1420033 from registration records maintained by the CRD for Claimant Christopher Ronald DiGregorio (CRD Number 2754779) with the understanding that, pursuant to Notice to Members 04-16, Claimant Christopher Ronald DiGregorio 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 claim, allegation, or information is false.

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

In or about August 2008, the customer filed a written complaint alleging that Claimant had executed unauthorized trades. He also complained about management of the account, valuation and unsuitability. According to Claimant’s testimony and information on the BrokerCheck® Report, the claim was denied, and the customer did not pursue the claim further at that time. The Claimant stated that the customer transferred his account at some point. The Claimant testified that the account was properly managed and suitable for the customer’s investment objectives. Claimant also testified that he had communicated with the customer about every 30 days and at some points two to three times a month. There was no evidence of a settlement between the parties in the customer dispute or Claimant’s involvement in any resolution. The Arbitrator believes that expungement of this matter from the CRD would have no material adverse effect on investor protection , the integrity of the CRD system or regulatory requirements.

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 Oppenheimer & Co., Inc. is assessed the following:

Member Surcharge = \$ 150.00

Postponement Fees

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

May 12, 2021, postponement requested by Claimant	= \$	50.00
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Total Postponement Fees	= \$	50.00

The Arbitrator has assessed the total postponement fees to Claimant.

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:

One (1) pre-hearing session with a single Arbitrator @ \$50.00/session	= \$	50.00
Pre-Hearing Conference: November 30, 2020	1 session	
One (1) hearing session on expungement request @ \$50.00/session	= \$	50.00
Hearing: June 10, 2021	1 session	
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Total Hearing Session Fees	= \$	100.00

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

Catherine Stewart

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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

Catherine Stewart

Catherine Stewart
Sole Public Arbitrator

07/22/2021

Signature Date

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July 22, 2021

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