

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Anil I. Jethmal

Case Number: 20-01772

vs.

Respondent
NewBridge Securities Corporation

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

REPRESENTATION OF PARTIES

For Claimant Anil I. Jethmal: Tosh Grebenik, J.D., Judex Law, LLC, Broomfield, Colorado.

For Respondent NewBridge Securities Corporation: Gregg Breitbart, Esq., Kaufman Dolowich & Voluck LLP, Fort Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed on or about: June 3, 2020.

Anil I. Jethmal signed the Submission Agreement: June 3, 2020.

NewBridge Securities Corporation did not file a Statement of Answer or sign the Submission Agreement.

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”).

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Numbers 1705802 and 2018456; and compensatory damages in the amount of \$1.00 from Respondent.

At the close of 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.

Respondent did not file a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code of Arbitration Procedure ("Code") and, having appeared at the hearing, is bound by the determination of the Panel on all issues submitted.

On January 25, 2021, Claimant advised that the customers in Occurrence Numbers 1705802 and 2018456 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 January 26, 2021 so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent participated in the expungement hearing and 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 also reviewed the settlement documents, considered the amount of payments made to any party to the settlements, and considered other relevant terms and conditions of the settlements. The Arbitrator noted that the settlements were not conditioned on any party to the settlements not opposing the expungement request.

The Arbitrator further noted that Claimant contributed to the settlement amounts for Occurrence Numbers 1705802 and 2018456. The Arbitrator found that expungement is still appropriate as Claimant did not have an opportunity to contribute to the decision to settle the matters and that Claimant just acquiesced and paid.

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

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 1705802 from registration records maintained by the CRD for Claimant Anil I. Jethmal (CRD Number 1834687) with the understanding that, pursuant to Notice to Members 04-16, Claimant Anil I. Jethmal 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, the Arbitrator has made the following Rule 2080 affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous; and the claim, allegation, or information is false.

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

The case presented during the January 26, 2021 hearing, supported by testimony and case filings, conclusively demonstrated that this occurrence did not meet FINRA requirements for the charges made in this occurrence. Specifically, in the complaint, the allegations are erroneous (FINRA Rule 2080(b)(1)(A)) and false (FINRA Rule 2080(b)(1)(C)), and Claimant was not involved in the alleged misconduct (FINRA Rule 2080(b)(1)(B)). The customer proactively selected securities in which to invest and demonstrated experience and knowledge in investing. The risk levels in the report were appropriately displayed and consistent with the decisions.

The customer who had a \$2.5 million net worth without his home, noted investment objective as trading and speculation. The customer had sufficient investment knowledge and experience to have understood his trading decisions and to have been approved to trade on margin. When the customer asked Claimant about penny stocks, Claimant said he preferred stocks of companies with capital of more than \$1 million. Despite Claimant's attempts to discourage the customer from investing in penny stocks, the customer made the decision to put his money in penny stocks. The customer's decisions were reinforced by his account information report that confirmed he had more than 10 years of experience in stocks.

The customer's allegations are erroneous because the customer brought the Patriot Coal purchase recommendation to Claimant; and false because the brokerage firm received multiple trade confirmations. The customer lost a lot of money having traded on margin and consequently made claims based on incorrect and false information. There was no misrepresentation because nothing was omitted; Claimant saved the customer money by getting him to reduce the number of shares of the Patriot Coal stocks that he purchased. Based on these facts and other information presented at the hearing, the Arbitrator finds this occurrence shall be removed from Claimant's BrokerCheck® Report.

2. The Arbitrator recommends the expungement of all references to Occurrence Number 2018456 from registration records maintained by the CRD for Claimant Anil I. Jethmal (CRD Number 1834687) with the understanding that, pursuant to Notice to Members 04-16, Claimant Anil I. Jethmal 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, the Arbitrator has made the following Rule 2080 affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous; and the claim, allegation, or information is false.

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

The case presented during the January 26, 2021 hearing, supported by testimony and case filings, conclusively demonstrated that this occurrence did not meet FINRA requirements for the charges made in the occurrence. Specifically, in the complaint, the allegations are erroneous (FINRA Rule 2080(b)(1)(A)) and false (FINRA Rule 2080(b)(1)(C)), and Claimant was not involved in the alleged misconduct (FINRA Rule 2080(b)(1)(B)). The customer proactively selected securities in which to invest and demonstrated experience and knowledge in investing. The risk levels in the report were appropriately displayed and consistent with the decisions.

The customer who had a \$5.5 million net worth without his home, and his annual income was between \$100,000 and \$200,000, noted his investment objective was growth and income. This report also indicated that the customer had 40 years of investment experience in stocks. The customer had a non-discretionary account; thus, the transactions had to be authorized by the customer himself. The customer held an MBA degree and vetted Claimant's knowledge of finance and his ability to review financial statements. The customer had expertise and knowledge of the U.S. Steel stock and of all of his investments. Further, the customer directed the purchase.

The customer's allegations are false because the customer had expertise and knowledge of U.S. Steel stock and of all of his investments, and he directed the purchase. The customer's complaint alleged unsuitability, breach of fiduciary duty, and negligence, however, not the financial advisor involved in misconduct. Based on these facts and other information presented at the hearing, the Arbitrator finds this occurrence shall be removed from Claimant's BrokerCheck® Report.

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 NewBridge Securities Corporation 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:

One (1) pre-hearing session with a single Arbitrator @ \$50.00/session = \$ 50.00
Pre-hearing Conference: September 21, 2020 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00
Hearing Date: January 26, 2021 1 session

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

Veronica Ann Williams

-

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

Veronica Ann Williams

Veronica Ann Williams
Sole Public Arbitrator

02/10/2021

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.

February 11, 2021

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