

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Leo Evan Rodriguez

Case Number: 20-02329

vs.

Respondent
Charles Schwab & Co., Inc.

Hearing Site: Dallas, Texas

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 Leo Evan Rodriguez (“Claimant”): Robert L. Herskovits, Esq., Herskovits PLLC, New York, New York.

For Respondent Charles Schwab & Co., Inc. (“Respondent”): Julie L. Taylor, Esq. and Valerie I. Holder, Esq., Keesal, Young & Logan, San Francisco, California.

CASE INFORMATION

Statement of Claim filed on or about: July 23, 2020.
Claimant signed the Submission Agreement: July 23, 2020.

Statement of Answer filed on or about: September 14, 2020.
Respondent signed the Submission Agreement: September 14, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim alleging that the Form U5 filed by Respondent, as part of registration records maintained by the Central Registration Depository (“CRD”), is defamatory in nature.

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 expungement and modification of the Form U5 filed by Respondent, a finding of defamation with regard to the current Form U5 language, compensatory damages of \$1.00, and all other and further relief that is just and proper.

In the Statement of Answer, Respondent requested that Claimant take nothing by way of his Statement of Claim and that this matter be dismissed in its entirety; that Claimant be taxed with the costs of this suit, including arbitrator's fees, expert fees, attorneys' fees and costs, and other expenses; and such other and further relief as the Arbitrator may deem just and equitable.

OTHER ISSUES CONSIDERED AND DECIDED

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

At the hearing, after Claimant's case-in-chief, Respondent made a Motion to Dismiss and Claimant opposed the Motion to Dismiss. On the record, the Arbitrator took the Motion to Dismiss under advisement. The Arbitrator herein denies the Motion to Dismiss.

AWARD

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

Claimant's claims are denied in their entirety.

FEES

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

Filing Fees

FINRA Dispute Resolution Services assessed a filing fee* for each claim:

Initial Claim Filing Fee	= \$	50.00
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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	= \$	150.00
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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 @ \$50.00/session			= \$	50.00
Pre-Hearing Date: November 9, 2020	1 session			
One (1) hearing session @ \$50.00/session			= \$	50.00
Hearing Date: January 12, 2021	1 session			
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Total Hearing Session Fees			= \$	100.00

The Arbitrator has assessed \$50.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$50.00 of the hearing session fees to Respondent.

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

ARBITRATOR

Patricia Beaujean Lehtola

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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

Patricia Beaujean Lehtola

Patricia Beaujean Lehtola
Sole Public Arbitrator

01/14/2021

Signature Date

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January 14, 2021

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