

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Charles Boyles Lawless

Case Number: 20-02684

vs.

Respondent
Mesirow Financial, Inc.

Hearing Site: Chicago, Illinois

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 Charles Boyles Lawless (“Claimant”): Chelsea Masters, Esq. and Dochter Kennedy, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Mesirow Financial, Inc. (“Respondent”): Jeffrey Levine, Esq. and Mary Jo Hayes, Mesirow Financial, Inc., Chicago, Illinois.

CASE INFORMATION

Statement of Claim filed on or about: August 19, 2020.
Claimant signed the Submission Agreement: August 19, 2020.

Respondent 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 Number 1359757, compensatory damages in the amount of \$1.00, and any and all other relief that the Arbitrator deems just and equitable.

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 Claimant.

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 is bound by the determination of the Arbitrator on all issues submitted.

On February 16, 2021, Claimant advised that the customers in Occurrence Number 1359757 ("Customers") were served at two mailing addresses with the Statement of Claim and notice of the date and time of the first scheduled expungement hearing ("1st Notices"). On February 22, 2021, Claimant filed an Affidavit confirming that the Customers were served with the 1st Notices. Claimant also filed copies of the FedEx tracking information available online for the 1st Notices.

On April 7, 2021, Claimant advised that the Customers were served at two mailing addresses with notice of the date and time of the rescheduled expungement hearing ("2nd Notices"). On April 12, 2021, Claimant filed an Affidavit confirming that the Customers were served with the 2nd Notices. Claimant also filed copies of the FedEx tracking information available online for the 2nd Notices.

On May 17, 2021, Claimant advised that the Customers were served at two mailing addresses with notice of the date and time of the second rescheduled expungement hearing ("3rd Notices"). On May 24, 2021, Claimant filed an Affidavit confirming that the Customers were served with the 3rd Notices. Claimant also filed copies of the FedEx tracking information available online for the 3rd Notices.

The Arbitrator conducted a recorded, telephonic hearing on July 1, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent did not participate in the expungement hearing.

The Customers also 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 occurrence in the CRD.

The Arbitrator also reviewed the settlement documentation related to Occurrence Number 1359757, 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 contributed the entire settlement amount.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: testimony of Claimant and Respondent's investigator and Claimant's 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 1359757 from registration records maintained by the CRD for Claimant Charles Boyles Lawless (CRD Number 2808387) with the understanding that, pursuant to Notice to Members 04-16, Claimant Charles Boyles Lawless 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 Customers engaged in options trading against Claimant's advice and then failed to recognize the overall gains in their account—counting only losses on trades and not counting gains. Further, the allegedly unauthorized trade was authorized.

2. Any and all claims for relief not specifically addressed herein 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	= \$	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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ARBITRATOR

Donald M. Thompson

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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

Donald M. Thompson

Donald M. Thompson
Sole Public Arbitrator

07/09/2021

Signature Date

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July 09, 2021

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