

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Robert D. Amoruso

Case Number: 20-02831

vs.

Respondent
Equitable Advisors, LLC

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 Robert D. Amoruso: Dochter Kennedy, MBA, J.D. and Michael O’Gara, Esq., Advisor Law, LLC, Westminster, Colorado.

For Respondent Equitable Advisors, LLC: Johan E. Tatoy, Esq., Equitable Advisors, LLC, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: August 27, 2020.

Robert D. Amoruso signed the Submission Agreement: August 27, 2020.

Statement of Answer filed by Respondent on or about: September 15, 2020.

Equitable Advisors, LLC signed the Submission Agreement: September 3, 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 took no position on Claimant’s expungement request.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: expungement of Occurrence Numbers 1897088 and 1929116; compensatory damages in the amount of \$1.00 from Respondent; and any and all

other relief that the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that the Panel deny Claimant's request for \$1.00 in compensatory damage and order that all costs of this proceeding, including member forum fees be assessed against Claimant.

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 April 7, 2021, Claimant advised that the customers in Occurrence Numbers 1897088 and 1929116 were served with the Statement of Claim and notice of the date and time of the expungement hearing. On April 12, 2021, Claimant filed an Affidavit confirming that the 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 May 20, 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 related to Occurrence Numbers 1897088 and 1929116 did not participate in the expungement hearing. The Arbitrator found that the customers had notice of the expungement request and hearing.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, 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 Numbers 1897088 and 1929116 from his registration records maintained by the CRD are denied.
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

**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 Equitable Advisors, LLC 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: December 14, 2020 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00
Hearing: May 20, 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

William G. Binckes

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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

William G. Binckes

William G. Binckes
Sole Public Arbitrator

05/26/2021

Signature Date

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May 26, 2021

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