

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Gerald Richard Sharpe

Case Number: 20-03054

vs.

Respondent
Aegis Capital Corp.

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

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Gerald Richard Sharpe: Gregg J. Breitbart, Esq., Kaufman Dolowich & Voluck LLP, Fort Lauderdale, Florida.

For Respondent Aegis Capital Corp.: Kevin Meade, Aegis Capital Corp., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: September 8, 2020.

Gerald Richard Sharpe signed the Submission Agreement: September 8, 2020.

Statement of Answer filed by Respondent on or about: November 2, 2020.

Aegis Capital Corp. signed the Submission Agreement: December 14, 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 Number 2053261 and compensatory damages in the amount of \$1.00.

In the Statement of Answer, Respondent did not set forth a specific relief request.

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 February 22, 2021, Claimant advised that the customer in Occurrence Number 2053261 (“customer”) was served with the Statement of Claim and notice of the date and time of the expungement hearing.

The Arbitrator conducted a recorded hearing by videoconference on May 7, 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 customer did not participate in the expungement hearing. The Arbitrator found that the customer 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 2053261, 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 did not contribute to the settlement amount.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: pleadings, exhibits, testimony from Claimant and his co-worker witness, settlement documents, 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. The Arbitrator recommends the expungement of all references to Occurrence Number 2053261 from registration records maintained by the CRD for Claimant Gerald R. Sharpe (CRD Number 2109210) with the understanding that, pursuant to Notice to Members 04-16, Claimant Gerald R. Sharpe 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 registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds.

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

Testimony from Claimant, from his co-worker witness, and documents demonstrate that Claimant was not involved in the subject transactions. Claimant and his co-worker witness testified that there was no relationship between Claimant and the customer that brought the claim and Claimant was not involved in any transaction with the customer.

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 Aegis Capital Corp. 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: January 7, 2021 1 session

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|--|------|--------|
| One (1) hearing session on expungement request @ \$50.00/session | = \$ | 50.00 |
| Hearing: May 7, 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

Martin R. Cramer

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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

Martin R. Cramer

Martin R. Cramer
Sole Public Arbitrator

05/11/2021

Signature Date

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May 11, 2021

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