

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Mathew Paul Schweifler

Case Number: 20-03071

vs.

Respondent
Citicorp Investment Services

Hearing Site: San Francisco, California

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 Mathew Paul Schweifler (“Claimant”): Avi Rosenfeld, Esq., The Rosenfeld Law Firm PLLC, Lawrence, New York.

Respondent Citicorp Investment Services (“Respondent”) did not enter an appearance.

CASE INFORMATION

Statement of Claim filed on or about: September 9, 2020.
Claimant signed the Submission Agreement: June 5, 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:

1. Expungement of Occurrence Numbers 1205791 and 1288154 from Claimant’s CRD records pursuant to FINRA Rule 2080(b)(1)(A), as the claim, allegation, or information is factually impossible or clearly erroneous;
2. Expungement of Occurrence Numbers 1205791 and 1288154 from Claimant’s CRD records pursuant to FINRA Rule 2080(b)(1)(B), as Claimant was not involved in the

alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds;

3. Expungement of Occurrence Numbers 1205791 and 1288154 from Claimant's CRD records pursuant to FINRA Rule 2080(b)(1)(C), as the claim, allegation, or information is false;
4. Compensatory damages in the amount of \$1.00 from Respondent; and
5. 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 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 is bound by the determination of the Arbitrator on all issues submitted.

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 (CRD Number 2229762) request for expungement of Occurrence Numbers 1205791 and 1288154 from his registration records maintained by the CRD is 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(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 |
|------------------|-----|--------|

Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

| | | |
|--|------|--------|
| March 9, 2021, postponement requested by Claimant | = \$ | 50.00 |
| August 10, 2021, postponement requested by Claimant | = \$ | 50.00 |
| October 11, 2021, postponement requested by Claimant | = \$ | 50.00 |
| <hr/> | | |
| Total Postponement Fees | = \$ | 150.00 |

The Arbitrator has assessed \$100.00 of the postponement fees to Claimant.

The Arbitrator has waived \$50.00 of the postponement fees.

Last-Minute Cancellation Fees

Fees apply when a hearing on the merits is cancelled within ten calendar days before the start of a scheduled hearing session:

| | | |
|--|------|----------|
| March 9, 2021, cancellation requested by Claimant | = \$ | 600.00 |
| August 10, 2021, cancellation requested by Claimant | = \$ | 600.00 |
| October 11, 2021, cancellation requested by Claimant | = \$ | 600.00 |
| <hr/> | | |
| Total Last-Minute Cancellation Fees | = \$ | 1,800.00 |

The Arbitrator has assessed \$1,500.00 of the last-minute cancellation fees to Claimant.

The Arbitrator has waived \$300.00 of the last-minute cancellation fees.

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 25, 2021 | 1 session | |
| One (1) hearing session on expungement request @ \$50.00/session | = \$ | 50.00 |
| Hearing: October 26, 2021 | 1 session | |
| <hr/> | | |
| 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

Mary Margaret Bush

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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

Mary Margaret Bush

Mary Margaret Bush
Sole Public Arbitrator

11/10/2021

Signature Date

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November 10, 2021

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