

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
John Parmigiani

Case Number: 21-01334

vs.

Respondent
Allied Millennial Partners, 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

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant John Parmigiani: Irwin Wertz, Esq., Wertz Kakos Gerbi Wolinetz Volynsky LLP, Mineola, New York.

For Respondent Allied Millennial Partners, LLC: Kay Johnson, Allied Millennial Partners, LLC, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: May 21, 2021.
John Parmigiani signed the Submission Agreement: May 21, 2021.

Statement of Answer filed by Respondent on or about: June 23, 2021.
Allied Millennial Partners, LLC signed the Submission Agreement: June 24, 2021.

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 1238087 and compensatory damages in the amount of \$1.00.

In the Statement of Answer, Respondent requested that Claimant's claim for \$1.00 in compensatory damages be denied.

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 December 16, 2021, Claimant advised that the customer in Occurrence Number 1238087 ("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 January 26, 2022 so the parties could present oral argument and evidence on John Parmigiani's request for expungement.

Respondent Allied Millennial Partners, LLC did not participate in the expungement hearing and did not oppose the request for expungement.

The Customer participated in the expungement hearing and took no position on Claimant's expungement request.

The Arbitrator reviewed John Parmigiani's BrokerCheck® Report. The Arbitrator noted that a prior arbitration panel or court has not previously ruled on expungement of the same occurrence in the CRD.

The Arbitrator also reviewed the settlement documentation related to Occurrence Number 1238087, 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 request for expungement. The Arbitrator also noted that Claimant contributed to the settlement amount. The Arbitrator noted Claimant played a minimal part in the settlement negotiations. Claimant testified that at the time of the settlement, he was a young broker without access to liquid assets. Claimant also testified that he contributed to the settlement amount due to the costs associated with traveling to California for a hearing, the costs of an attorney to obtain representation, and the indemnification costs to the firm. The Arbitrator noted that the settlement amount was a fraction of the amount sought by the Customer's complaint and that Claimant's contribution was 10% of the damages sought by the Customer.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: the Customer's testimony, Claimant's testimony, Claimant's BrokerCheck® Report, the settlement agreement, Claimant's answer to the Customer's claim, and the Customer's New Account Application.

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:

1. The Arbitrator recommends the expungement of all references to Occurrence Number 1238087 from registration records maintained by the CRD for Claimant John Parmigiani (CRD Number 2800410) with the understanding that, pursuant to Notice to Members 04-16, Claimant John Parmigiani 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:

Claimant testified of no involvement with the Customer’s account after the opening of the account with Ladenburg Capital Management Inc, where the Claimant was then employed. Claimant secured the Customer, then relinquished all decision making related to his account to a senior broker. Henceforth, Claimant did not have any decision-making power regarding the Customer’s account. Nonetheless, Claimant opined that the investments in the Customer’s account were aligned with the Customer’s investment profile, which is included as having a speculative investment objective per the Customer’s New Account Application. During the hearing, the Customer corroborated the Claimant’s statements. He stated that his interaction and communication regarding recommendations for his account were with the senior broker and not with the Claimant. He further stated that he had nothing bad to say about Claimant. Though the Customer’s complaint was ultimately settled, the Claimant played a minimal part in the settlement negotiations.

FEES

Pursuant to the Code of Arbitration Procedure (“Code”), the following fees are assessed:

Filing Fees

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

Initial Claim Filing Fee	=\$ 1,600.00
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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 that employed the associated persons at the time of the events giving rise to the dispute. Accordingly, as a party, Respondent Allied Millennial Partners, LLC is assessed each assessed the following:

Member Surcharge	= \$ 2,000.00
Member Process Fee	= \$ 3,850.00

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 @ \$1,150.00/session	= \$ 1,150.00
Pre-Hearing Conference: August 31, 2021	1 session
One (1) hearing session @ \$1,150.00/session	= \$ 1,150.00
Hearing: January 26, 2022	1 session

Total Hearing Session Fees	= \$ 2,300.00
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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

Josian Antoine

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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

Josian Antoine

Josian Antoine
Sole Public Arbitrator

02/09/2022

Signature Date

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February 10, 2022

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