

**Award**  
**FINRA Dispute Resolution Services**

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In the Matter of the Arbitration Between:

Claimant

Rocco Gerard Guidici Pietro

Case Number: 21-02157

vs.

Respondent

Alexander Capital, L.P.

Hearing Site: New York, New York

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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 Rocco Gerard Guidici Pietro: Scott Holcomb, Esq, Holcomb + Ward, LLP, Atlanta, Georgia.

For Respondent Alexander Capital, L.P.: Michele Misiti, CCO, Alexander Capital, L.P., New York, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: August 20, 2021.

Rocco Gerard Guidici Pietro signed the Submission Agreement: August 20, 2021.

Statement of Answer filed by Respondent on or about: October 19, 2021.

Alexander Capital, L.P. signed the Submission Agreement: September 17, 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 supported Claimant’s expungement request.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested: expungement of Occurrence Numbers 2132253, 2132254, 2132255, 2132256, and 2132257.

### **OTHER ISSUES CONSIDERED AND DECIDED**

The Arbitrators acknowledges having read the pleadings and other materials filed by the parties.

On December 28, 2021, January 3, 2022, and January 7, 2022, Claimant advised that the customers in Occurrence Numbers 2132253, 2132254, 2132255, 2132256, and 2132257 (“Customers”) were served with the Statement of Claim and notice of the date and time of the expungement hearing.

The Panel conducted a recorded hearing by videoconference on February 25, 2022, 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 did not participate in the expungement hearing. The Panel found that the Customers had notice of the expungement request and hearing.

The Panel reviewed Claimant’s BrokerCheck® Report. The Panel noted that a prior arbitration panel or court did not previously rule on expungement of the same occurrences in the CRD.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the expungement hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant’s request for expungement of Occurrence Numbers 2132253, 2132254, 2132255, 2132256, and 2132257 from registration records maintained by the CRD is 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 = \$ 1,600.00

*\*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 Alexander Capital, L.P. is assessed the following:

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

**Hearing Session Fees and Assessments**

The Panel 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 the Panel @ \$1,150.00/session	= \$ 1,150.00
Pre-Hearing Conference: December 8, 2021                      1 session	

One (1) hearing session on expungement request @ \$1,150.00/session	= \$ 1,150.00
Hearing: February 25, 2022                                      1 session	

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Total Hearing Session Fees	= \$ 2,300.00
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The Panel has assessed the total hearing session fees to Claimant.

All balances are payable to FINRA Dispute Resolution Services and are due upon receipt.

**ARBITRATION PANEL**

Harvey Barrison	-	Public Arbitrator, Presiding Chairperson
Phillip Michael Brown	-	Public Arbitrator
Joan Ellen Hoffman	-	Non-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.

**Concurring Arbitrators' Signatures**

***Harvey Barrison***

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Harvey Barrison  
Public Arbitrator, Presiding Chairperson

**03/01/2022**

\_\_\_\_\_  
Signature Date

***Phillip Michael Brown***

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Phillip Michael Brown  
Public Arbitrator

**03/01/2022**

\_\_\_\_\_  
Signature Date

***Joan Ellen Hoffman***

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Joan Ellen Hoffman  
Non-Public Arbitrator

**03/01/2022**

\_\_\_\_\_  
Signature Date

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March 02, 2022

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