

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
AGS Underground

Case Number: 21-02719

vs.

Respondent
Michael Lawrence Oromaner

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: Customer vs. Associated Person

REPRESENTATION OF PARTIES

For Claimant AGS Underground: Jennifer Tarr, Cold Spring Advisory Group, New York, New York.

Respondent Michael Lawrence Oromaner did not enter an appearance.

ASE INFORMATION

Statement of Claim filed on or about: March 19, 2018.

Amended Statement of Claim filed on or about: September 25, 2019.

Second Amended Statement of Claim filed on or about: March 12, 2021.

AGS Underground signed the Submission Agreement: March 19, 2018.

Michael Lawrence Oromaner did not file a Statement of Answer or sign the Submission Agreement.

CASE SUMMARY

In the Second Amended Statement of Claim, Claimant asserted the following causes of action: churning, negligence and unsuitability, omissions, unauthorized trading, breach of fiduciary duty, breach of contract, unjust enrichment, and negligent misrepresentation. The causes of action relate to unspecified securities.

RELIEF REQUESTED

In the Second Amended Statement of Claim, Claimant requested damages in the principal amount of \$69,433.00 plus interest; unjust enrichment/disgorgement of commissions and fees in the amount of \$120,559.00; lost opportunity damages and such other and further relief, including treble damages in the amount of \$208,299.00, as the Panel may deem appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

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

Respondent Michael Lawrence Oromaner did not file a Statement of Answer or a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code of Arbitration Procedure ("Code") is bound by the determination of the Arbitrator on all issues submitted.

Initially, Claimant's claim against Respondent Michael Lawrence Oromaner was filed in FINRA Case # 18-01055. On October 21, 2021, Claimant opted to proceed against Respondent Michael Lawrence Oromaner pursuant to Rule 12801 of the Code. The claim against Respondent Michael Lawrence Oromaner was bifurcated from Case # 18-01055 because Respondent Michael Lawrence Oromaner failed to file an Answer. The Arbitrator determined that Respondent Michael Lawrence Oromaner was served with the Statement of Claim, Overdue Notice, and Notification of Arbitration by certified mail and is therefore bound by the determination of the Arbitrator on all issues submitted.

In Claimant's Motion for Default Proceedings, Claimant requested compensatory damages in the amount of \$56,916.89, disgorgement of \$110,477.58 in excessive commissions charged; interest as provided by applicable law; reimbursement to Claimant of \$10,000.00 representing the costs associated with bringing this action; and any and all other forms of relief as deemed appropriate.

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. Respondent is liable for and shall pay to Claimant the sum of \$167,394.47 in compensatory damages.
2. Respondent is liable for and shall pay to Claimant interest on the above-stated sum at the rate of 9% per annum from June 26, 2016, through and including payment of award.
3. Any and all claims for relief not specifically addressed herein, including any request for treble damages, are denied.

ARBITRATOR

Rory M. McLaughlin

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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

Rory M. McLaughlin

Rory M. McLaughlin
Sole Public Arbitrator

03/04/2022

Signature Date

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March 08, 2022

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