

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Clifford Moon

Case Number: 20-03580

vs.

Respondents
SW Financial
Yousuf Saljooki

Hearing Site: Seattle, Washington

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. Member and Associated Person

This matter proceeded pursuant to Rule 12800 of the Code of Arbitration Procedure (“Code”).

REPRESENTATION OF PARTIES

For Claimant Clifford Moon (“Claimant”): Kevin P. Krupnick, Esq., The Krupnick Firm, PC, Glen Cove, New York.

For Respondent SW Financial: Charles O'Rourke, Esq., Law Offices of Charles O'Rourke, Woodbury, New York.

Respondent Yousuf Saljooki (“Saljooki”) did not enter an appearance.

CASE INFORMATION

Statement of Claim filed on or about: October 21, 2020.
Claimant signed the Submission Agreement: October 18, 2020.

Statement of Answer filed by SW Financial on or about: December 10, 2020.
SW Financial signed the Submission Agreement: December 1, 2020.

Saljooki did not file a Statement of Answer or sign the Submission Agreement.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: suitability; churning; unauthorized trading; fraud; misrepresentation; violations of securities laws; failure to supervise;

unjust enrichment; lost opportunity damages; and punitive damages. The causes of action relate to various unspecified securities.

Unless specifically admitted in the Statement of Answer, SW Financial denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Compensatory damages in the amount of \$49,184.62 or an amount to be more fully ascertained by discovery, inclusive of punitive damages, unjust enrichment/disgorgement of commissions and fees;
2. Reasonable attorneys' fees;
3. Cost of arbitration including expert and witness fees; and
4. Such other further and different relief that is deemed appropriate.

In the Statement of Answer, SW Financial requested all claims be dismissed.

OTHER ISSUES CONSIDERED AND DECIDED

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

Saljooki did not file a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

Saljooki did not file a Statement of Answer. The Arbitrator determined that Saljooki was served with the Claim Notification letter dated October 22, 2020 by FedEx, as evidenced by the FedEx tracking information available online, and the Overdue Notice (including the Statement of Claim) dated December 15, 2020 by FedEx, as evidenced by the FedEx tracking information available online. The Arbitrator also determined that Saljooki was served with the Notification of Arbitration dated December 15, 2020 by FedEx, as evidenced by the FedEx tracking information available online. The Arbitrator determined that Saljooki is, therefore, bound by the Arbitrator's ruling and determination.

The Claim Notification letter notified Saljooki that FINRA rules require parties to use the online DR Portal on a mandatory basis (except pro se investors) and that failure to register for the DR Portal will prevent the submission of pleadings, selection of arbitrators, and receipt of notification relating to case information and deadlines. Saljooki failed to register for the DR Portal.

On August 12, 2021, Claimant filed a notice of voluntary dismissal with prejudice against SW Financial. Therefore, the Arbitrator made no determination with respect to any of the relief requests contained in the Statement of Claim pertaining to SW Financial.

On August 17, 2021, Claimant filed a Motion for Default Proceedings against Saljooki under Rule 12801 of the Code. Thereafter, Claimant's claims proceeded against Saljooki pursuant to Rule 12801 of the Code.

AWARD

After considering the pleadings, the Arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Saljooki is liable for and shall pay to Claimant the sum of \$34,184.62 in compensatory damages.
2. Saljooki is liable for and shall pay to Claimant interest at the rate of 9.00% per annum from September 13, 2021 until the compensatory damages are paid in full.
3. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages and attorneys' fees, are denied.

FEES

Pursuant to the Code:

Filing Fees

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

Initial Claim Filing Fee	= \$	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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, SW Financial is assessed the following:

Member Surcharge	= \$	750.00
Member Process Fee	= \$	1,750.00

Late Pre-Hearing Cancellation Fees

Fees apply when a pre-hearing conference is cancelled within three business days of the scheduled conference:

August 18, 2021, cancellation requested by Parties	= \$	100.00
--	------	--------

Total Late Pre-Hearing Cancellation Fees	= \$	100.00
--	------	--------

The Arbitrator has assessed \$50.00 of the late pre-hearing cancellation fees to Claimant.

The Arbitrator has assessed \$50.00 of the late pre-hearing cancellation fees to Saljooki.

Postponement Fees

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

August 11-13, 2021, postponement requested by SW Financial	= \$	450.00
--	------	--------

Total Postponement Fees	= \$	450.00
-------------------------	------	--------

The Arbitrator has assessed \$225.00 of the postponement fees to Claimant.

The Arbitrator has assessed \$225.00 of the postponement fees jointly and severally to Respondents.

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(s), including a pre-hearing conference with the Arbitrator(s), which lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing sessions with a single Arbitrator @ \$450.00/session	= \$	900.00
Pre-Hearing Conferences: February 2, 2021	1 session	
June 14, 2021	1 session	

Decision on the papers:	= \$	300.00
-------------------------	------	--------

Total Hearing Session Fees	= \$	1,200.00
----------------------------	------	----------

The Arbitrator has assessed \$600.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$600.00 of the hearing session fees to Saljooki.

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

ARBITRATOR

James E. Bartels

-

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

James E. Bartels

James E. Bartels
Sole Public Arbitrator

09/20/2021

Signature Date

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.

September 23, 2021

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