

**Award**  
**NASD Dispute Resolution**

---

In the Matter of the Arbitration Between:

Annie Kleinschmidt (Claimant) vs. Owen Watstein (Respondent)

Case Number: 02-04749

Hearing Site: New York, New York

---

**REPRESENTATION OF PARTIES**

Claimant, Annie Kleinschmidt ("Kleinschmidt"), hereinafter referred to as "Claimant":  
appeared *pro se*.

Respondent, Owen Watstein ("Watstein"), hereinafter referred to as "Respondent":  
Jennifer Sendor Esq., Citicorp Investment Services, Long Island City, NY.

**CASE INFORMATION**

Statement of Claim filed on or about: September 26, 2002.

Claimant signed the Uniform Submission Agreement: August 8, 2002.

Statement of Answer filed by Respondent on or about: November 1, 2002.

Respondent signed the Uniform Submission Agreement: October 22, 2002.

**CASE SUMMARY**

Claimant asserted the following cause of action: mishandling of account.

Claimant's claim involved two mutual funds: the Alliance Technology Fund and the Putnam OTC and Emerging Growth Fund.

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

**RELIEF REQUESTED**

Claimant requested compensatory damages in the sum amount of \$12,866.84.

Respondent requested that all claims in this matter be denied with all costs associated with his defense of this matter assessed against the Claimant.

**OTHER ISSUES CONSIDERED AND DECIDED**

Prior to the hearing and at the close of this matter, Respondent moved to dismiss the claim. The Arbitrator denied both motions.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

**AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, 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 compensatory damages in the amount of \$3,000.00 plus interest at the rate of 9% from the date of the award until payment of the award.
2. Any and all relief not specifically addressed herein is denied.

**FEES**

Pursuant to the Code, the following fees are assessed:

**Filing Fees**

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$125.00
--------------------------	------------

**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, Citicorp Investment Services is the Respondent's firm.

Member surcharge	= \$425.00
------------------	------------

**Forum Fees and Assessments**

The Arbitrator has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with a single arbitrator @ \$450.00 = \$ 900.00  
Pre-hearing conferences: April 9, 2003 1 session  
August 12, 2003 1 session

Two (2) Hearing sessions with a single arbitrator @ \$450.00 = \$ 900.00  
Hearing Date: September 15, 2003 2 sessions

---

Total Forum Fees = \$1,800.00

1. The Arbitrator has assessed \$900.00 of the forum fees against Claimant.
2. The Arbitrator has assessed \$900.00 of the forum fees against Respondent.

**Fee Summary**

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 125.00
Forum Fees	= \$ 900.00
Total Fees	= \$ 1,025.00
Less payments	= \$ 575.00
Balance Due NASD Dispute Resolution	= \$ 450.00
  
2. Respondent is solely liable for:

Forum Fees	= \$ 900.00
Total Fees	= \$ 900.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 900.00
  
3. Citicorp Investment Services is solely liable for:

Member Fees	= \$ 425.00
Total Fees	= \$ 425.00
Less payments	= \$ 425.00
Balance Due NASD Dispute Resolution	= \$ 0.00

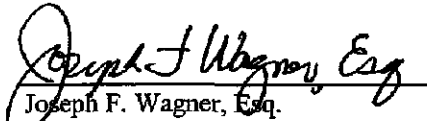
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.
---

**ARBITRATION PANEL**

Joseph F. Wagner, Esq. - Public Arbitrator, Presiding Chair

**Concurring Arbitrators' Signature**

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.

  
Joseph F. Wagner, Esq.  
Public Arbitrator, Presiding Chairperson

10/14/03  
Signature Date

October 15, 2003  
Date of Service (For NASD Dispute Resolution use only)