

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

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In the Matter of the Arbitration Between:

Name of the Claimant  
Raymond James & Associates, Inc.

Case Number: 03-03176

Name of the Respondent  
Jose Gonzalez

Hearing Site: Chicago, Illinois

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Type of Controversy: Member Firm v. Associated Person

**REPRESENTATION OF PARTIES**

Claimant Raymond James & Associates, Inc. ("Raymond James") was represented by Leslie A. Reese, Esq. in-house counsel for Raymond James located in St. Petersburg, Florida.

Respondent Jose Gonzalez ("Gonzalez") was unrepresented.

**CASE INFORMATION**

Statement of Claim filed on or about: April 30, 2003.

Claimant Raymond James signed the Uniform Submission Agreement: May 9, 2003.

Post-Hearing Submissions filed by Claimant Raymond James on or about: March 15, 2004.

Statement of Answer filed by Respondents Gonzalez, on or about: June 29, 2003.

Respondent Gonzalez did not file a Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following cause of action: Failure to pay promissory note.

In his Answer Gonzalez noticed his intention to resolve the note for the amount requested in the Statement of Claim

**RELIEF REQUESTED**

Claimant Raymond James requested:

Compensatory Damages	\$30,925.51
Interest	10%
Attorneys' Fees	unspecified
Other Costs	unspecified
Other Monetary/Non-Monetary Relief if any:	any relief the panel deems just and equitable

Respondent Gonzalez requested:

Other Monetary/Non-Monetary Relief if any:

amendments to his U-4 and  
U-5

**OTHER ISSUES CONSIDERED AND DECIDED**

Respondent Jose Gonzalez did not file with NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and, having answered the statement of claim appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

**AWARD**

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

1. Respondent Jose Gonzalez is liable for and will pay to Claimant Raymond James & Associates, Inc. the sum of \$30,925.51 as compensatory damages, plus 10% interest on said sum. Interest began to accrue on April 9, 2003 and will cease to accrue upon payment of the award.
2. Respondent Jose Gonzalez is liable for and will pay to Claimant Raymond James & Associates, Inc. the sum of \$1,000.00 as reimbursement for the NASD non-refundable filing fee. The panel finds authority to order the reimbursement in Rule 10332 of the NASD Code of Arbitration Procedure.
3. Except as specified herein, each party shall bear their own costs, including attorney's fees.
4. 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

= \$1,000.00

**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 person at the time of the events giving rise to the dispute. Accordingly, Raymond James is assessed the following fees:

Member surcharge	= \$ 875.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 1,000.00
Total	= \$ 2,625.00

**Forum Fees and Assessments**

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

Two (2) Pre-hearing sessions with Panel at \$600.00	= \$1,200.00
Pre-hearing conferences: November 14, 2003	1 session
November 19, 2003	1 session
One (1) Hearing session at \$600.00	= \$ 600.00
Hearing Date: February 18, 2004	1 session
Total Forum Fees	= \$1,800.00

The Panel has assessed \$1,800.00 of the forum fees to Jose Gonzalez.

**FEE SUMMARY**

1. Claimant Raymond James & Associates, Inc. is solely liable for:	
Initial Filing Fee	= \$1,000.00
Member Fees	= \$2,625.00
Total Fees	= \$3,625.00
Less payments	= \$3,225.00
Balance Due NASD Dispute Resolution	= \$ 400.00
2. Respondent Jose Gonzalez is solely liable for:	
Forum Fees	= \$1,800.00
Total Fees	= \$1,800.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,800.00

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

**ARBITRATION PANEL**

Phillips M. Montross	- Non-Public Arbitrator, Presiding Chairperson
Scott M. Krantz	- Non-Public Arbitrator
Jerome J. Brault	- Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

/s/ Phillips M. Montross

04/06/04

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Phillips M. Montross  
Non-Public Arbitrator, Presiding Chairperson

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

/s/ Scott M. Krantz

04/06/04

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Scott M. Krantz  
Non-Public Arbitrator

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Signature Date

/s/ Jerome J. Brault

04/06/04

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Jerome J. Brault  
Non-Public Arbitrator

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Signature Date

04/08/06

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Date of Service (For NASD Dispute Resolution office use only)

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Arbitration No. 03-03176  
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Concurring Arbitrators' Signatures



Phillips M. Montross  
Non-Public Arbitrator, Presiding Chairperson

4/6/04  
Signature Date

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Scott M. Krantz  
Non-Public Arbitrator

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

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Jerome J. Brault  
Non-Public Arbitrator

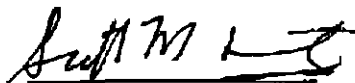
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Phillips M. Montross  
Non-Public Arbitrator, Presiding Chairperson

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Signature Date



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Scott M. Krantz  
Non-Public Arbitrator

April 6, 2004  
Signature Date

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Jerome J. Brault  
Non-Public Arbitrator

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