

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

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In the Matter of the Arbitration Between:

Citigroup Global Markets, Inc. (f/k/a Salomon Smith Barney Inc.), Claimant v. Charles H. Williams, Respondent

Case Number: 04-02928

Situs: San Francisco, California

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Nature of the Dispute: Member v. Associated Person

**REPRESENTATION OF PARTIES**

For Claimant:

Brian D. Todd, Esq.  
Hillis Clark Martin & Peterson, P.S.  
Seattle, Washington

Respondent did not enter an appearance in this matter

**CASE INFORMATION**

Statement of Claim filed: April 20, 2004

Claimant's Uniform Submission Agreement signed: April 2, 2004

**CASE SUMMARY**

Claimant alleged that Respondent failed to pay a promissory note due and owing to Claimant.

**RELIEF REQUESTED**

Claimant requested \$50,000.00 in compensatory damages, pre-judgment interest at the rate of 10%, post-judgment interest at the highest legal rate, and costs, including attorney's fees.

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

On May 18, 2004, Claimant's counsel signed a Waiver Agreement on Claimant's behalf expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

Pursuant to the Code of Arbitration Procedure IM-10100, the waiver of the Claimant shall constitute and operate as a waiver for all member firms and associated persons (including terminated or otherwise inactive member firms or associated persons) against whom this Claim, relating exclusively to a promissory note, has been filed.

On October 8, 2004, Claimant filed a Motion for Default Award wherein Claimant opted to proceed against Respondent Charles H. Williams pursuant to Rule 10314(e) of the NASD Code of Arbitration Procedure ("Code"). The motion was granted. The Chair of the Arbitration Panel who was appointed to this matter prior to October 8, 2004, became the sole arbitrator to decide this matter. The remaining two panelists were released.

The Chairperson determined that Respondent Charles H. Williams was properly served notice of the Statement of Claim and Notification of the Arbitrators by certified mail, and that Respondent Charles H. Williams is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrators on all issues submitted.

### **AWARD**

The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable to and shall pay Claimant the sum of \$50,000.00 in compensatory damages.
2. Respondent is liable to and shall pay Claimant interest at the rate of 10% per annum on \$50,000.00 from September 27, 2000 until November 5, 2004.
3. All other relief requested and not expressly granted is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

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

Initial claim filing fee	= \$ 1,000.00
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#### **Member Fees**

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Citigroup Global Markets, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 875.00
Pre-Hearing Process Fee	= \$ 750.00
<b>Total Member Fees</b>	<b>= \$ 1,625.00</b>

#### **Forum Fees and Assessments**

The Chairperson assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chairperson or the parties and the Panel. The following fees are assessed:

(1) Pre-hearing conference session with the Panel @ \$600.00/session	= \$ 600.00
Pre-hearing conference: September 9, 2004 1 session	

Fee for Decision on the Papers	= \$ 300.00
<b>Total Forum Fees</b>	<b>= \$ 900.00</b>

1. The Chairperson assessed \$900.00 of the forum fees to Claimant.

#### **Fee Summary**

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 1,625.00
Forum Fees	= \$ 900.00
<b>Total Fees</b>	<b>= \$ 3,525.00</b>
<b>Less payments</b>	<b>= \$(3,825.00)</b>
<b>Refund Due Claimant</b>	<b>= \$ (300.00)</b>

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

**ARBITRATION PANEL**

Judith M. Rosenberg, Esq.

- Non-Public Arbitrator, Presiding Chair

**Arbitrator's Signatures**

Judith M. Rosenberg  
Judith M. Rosenberg, Esq.  
Chair, Non-Public Arbitrator

11/5/04  
Signature Date

11/5/04  
Date of Service