

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 04-03698

Charles Schwab & Co., Inc., Claimant v. Brent D. Molovinsky, Respondent

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**ATTORNEYS:**

For Claimant Charles Schwab & Co., Inc. ("Claimant") appeared Brandon K. Hemley, Esq., in-house counsel, Charles Schwab & Co., Inc., San Francisco, CA.

Respondent Brent D. Molovinsky ("Respondent") did not file a Statement of Answer in this matter.

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**NATURE OF DISPUTE:** Member v. Customer.

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**DATE FILED:** May 21, 2004.

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**CASE SUMMARY:** Claimant alleged that Respondent deposited and sold shares represented by a non-negotiable stock certificate, thereby failing to make good delivery of securities, in breach of the Account Agreement. Claimant's claim involved shares of TVI Corporation, Sun Microsystems, and Nextel Corporation.

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**Claim Data**

Claim: \$17,237.43  
Interest: 6.5% per annum from 4/1/04 until  
payment of award.  
Filing Fees: Unspecified  
Other: Unspecified

**Award Data**

Award: \$17,237.43  
Interest: 6.5% per annum from 4/1/04 until  
payment of award.  
Filing Fees: \$1050.00  
Other: \$.00

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**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 and shall pay to the Claimant \$17,237.43. 2) Respondent is liable and shall pay to the Claimant interest at the rate of 6.5% per annum from April 1, 2004 through the date of payment of the award. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$1,050.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay to the Claimant \$1,050.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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**OTHER ISSUES:** Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent was served notice of the Statement of Claim by regular mail, certified and express mail, Notification of the Arbitrator by regular mail and Overdue Notice by certified mail (as evidenced by the signed signature card on file) and is therefore bound by the arbitrator's ruling and determination.

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Award 04-03698

Maureen Power Wilkerson, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Maureen Power Wilkerson, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

Maureen P. Wilkerson  
Maureen Power Wilkerson, Esq.

12/21/04  
Signature Date

January 3, 2005  
Date of Service (For NASD-DR office use only)