

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-07209

Morgan Stanley DW, Inc., Claimant v. Charles M. Porter, Respondent

ATTORNEYS:

For Claimant Morgan Stanley DW, Inc. ("Claimant") appeared Matthew J. Morelli, Esq., of the firm Ulmer & Berne, LLP, Cleveland, OH. Previously represented by: Diane C. Fischer, Esq., of the firm Kane & Fischer, LTD., Chicago, IL.

Respondent Charles M. Porter ("Respondent") did not file a Statement of Answer in this matter.

NATURE OF DISPUTE: Member v. Associated Person.

DATE FILED: October 12, 2004.

CASE SUMMARY: Claimant alleged that Respondent failed and refused to repay a commission deficit owed to Claimant. Claimant maintained that due to Respondent's actions, the company suffered losses.

Claim Data

Claim: \$13,680.00
Interest: Unspecified
Interest: \$0.00

Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$13,680.00
Interest: \$276.00
Interest: 8% p.a. fr. 11/11/04-
2/10/05
Attorney Fees: \$0.00
Filing Fees: \$1,050.00
Other: \$0.00

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 for and shall pay to Claimant \$13,680.00. 2) Respondent is liable for and shall pay Claimant interest in the amount of \$276.00. 3) Respondent is liable for and shall pay Claimant interest at the rate of 8% per annum from November 11, 2004 through February 10, 2005, computed at \$3.00 per day for a total of 92 days. Since Claimant did not provide the NASD with an updated address for Respondent Porter until November 4, 2004, and Respondent signed the receipt of correspondence on November 11. The charging of interest started on November 11, 2004 and ended on February 10, 2005. 4) All requests for attorney fees are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$1,050.00 filing fee that the claimant deposited previously. 7) Respondent is liable and shall pay 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.

OTHER ISSUES: Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent was served notice of the Statement of Claim and Notification of 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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ARBITRATOR
Bert Cliff - Sole Non-Public Arbitrator

AFFIRMATION

I, Bert Cliff, 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.

Bert S. Cliff
Bert Cliff

3-18-05
Signature Date

March 24, 2005
Date of Service (For NASD-DR office use only)