

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 06-03756

Joyce Carol Pozniko, (Claimant) vs. Halbert Charles Swanson, (Respondent)

ATTORNEYS:

Claimant appeared *pro se*, Hanahan, SC.

For Respondent appeared in house counsel for Charles Schwab & Co., Inc., Brandon K. Hemley, Esq., San Francisco, CA.

NATURE OF DISPUTE: Customer vs. Associated Person

DATE FILED: July 26, 2006

CASE SUMMARY: Claimant alleged that Respondent breached his fiduciary duty. Claimant maintained that due to Respondent's actions, she suffered a financial loss. Claimant's claim involved common stock.

Claim Data

Award Data

Claim: \$16,000.00

Award: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of the Claimant are dismissed in their entirety. 2) NASD Dispute Resolution previously waived the \$425.00 filing fee that the Claimant would have deposited at the time of filing this claim. 3) The arbitrator has determined that the \$425.00 filing fee shall be assessed to Claimant. 4) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Halbert Charles Swanson's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent Halbert Charles Swanson must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents. Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the arbitration panel has made the following affirmative findings of fact: The claim, allegation, or information is false.

OTHER FEES: Pursuant to Rule 10333 of the Code, Charles Schwab & Co., Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Sarah G. Anderson, Esq.

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Sole Public Arbitrator

AFFIRMATION

I, Sarah G. Anderson, 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.



Sarah G. Anderson, Esq.

1/31/07

(Signature Date)

January 31, 2007

Date of Service (For NASD-DR office use only)