

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Charles Schwab & Co., Inc., Claimant v. Sarah S. Guindy, Respondent
and related Counterclaim

Case Number: 99-01136

Hearing Site: Las Vegas, Nevada

REPRESENTATION OF PARTIES

For Claimant:

Richard A. Karoly, Esq.
Charles Schwab & Co., Inc.
San Francisco, California

For Respondent:

Marvin L. Szymkowicz, Esq.
Mendelsohn & Szymkowicz
Washington, D. C.

CASE INFORMATION

Statement of Claim filed: March 9, 1999

Claimant's Uniform Submission Agreement signed: March 9, 1999

Statement of Answer and Counterclaim filed by Respondent: September 8, 1999

Respondent's Uniform Submission Agreement signed: September 8, 1999

Claimant's Statement of Answer in Response to Counterclaim filed: September 24, 1999

CASE SUMMARY

Claimant alleged that Respondent failed to pay an unsecured debit balance in connection with the margined short sale of 600 shares of Yahoo.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim. In her Counterclaim, Respondent alleged that the Claimant intentionally delayed liquidation of her account in order to maximize its own gains.

Claimant denied the allegations of wrongdoing set forth in Respondent's Counterclaim.

RELIEF REQUESTED

Claimant Charles Schwab & Co., Inc. requested \$49,483.82, in compensatory damages. Claimant also requested interest, attorney's fees, and costs.

Respondent Sarah Guindy requested dismissal of the Claimant's Statement of Claim in its entirety. In her Counterclaim, Respondent requested \$115,871.21 in compensatory damages and recovery of costs.

In response to the Counterclaim, Claimant Charles Schwab & Co., Inc. requested dismissal of the Counterclaim and an award of fees and costs.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

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

1. Respondent Sarah S. Guindy is liable to and shall pay Claimant the sum of \$54,767.00 in compensatory damages and interest.
2. Respondent Sarah S. Guindy's Counterclaim is denied in its entirety.
3. Each party shall bear its own costs, including attorney's fees.
4. All other relief not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 500.00
Respondent's Counterclaim	= \$ 200.00

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 event of the dispute. Accordingly, the member firm, Charles Schwab & Co., Inc., is a party and the following fees are assessed:

Member Surcharge	= \$ 800.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$ 2,500.00</u>
Total Member Fees	= \$ 3,900.00

Forum Fees and Assessments

The Panel 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 Panel. The following fees are assessed:

(1) Pre-hearing conference session with the Panel @ \$750.00/session	= \$ 750.00
Pre-hearing conference: February 22, 2000 1 session	
(3) Hearing sessions @ \$750.00/session	= \$ 2,250.00
Hearings: July 24, 2000 2 sessions	
July 25, 2000 1 session	
<u>Total Forum Fees</u>	<u>= \$ 3,000.00</u>

The Panel assessed \$3,000.00 of the forum fees to Claimant Charles Schwab & Co., Inc.

Fee Summary

1. Claimant Charles Schwab & Co., Inc. is charged with the following fees and costs:

Initial Filing Fee	= \$ 500.00
Member Fees	= \$ 3,900.00
<u>Forum Fees</u>	<u>= \$ 3,000.00</u>
Total Fees	= \$ 7,400.00
<u>Less payments</u>	<u>= \$ (1,900.00)</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 5,500.00

2. Respondent Sarah Guindy, is charged with the following fees and costs:

Counter-claim Filing Fee	= \$ 200.00
<u>Less payments</u>	<u>= \$ (300.00)</u>
Balance Due to Claimant Sarah Guindy	= \$ (100.00)

All balances are payable to NASD Dispute Resolution, Inc. and are due within 30 days of the Award's date of service.

Concurring Arbitrators' Signatures



Robert L. Schouweiler, Esq.
Chair, Public Arbitrator

8/8/00

Signature Date

Robert F. Saint-Aubin, Esq.
Public Arbitrator

Signature Date

Steven A. Budin, Esq.
Industry Arbitrator

Signature Date

August 11, 2000

Date of Service

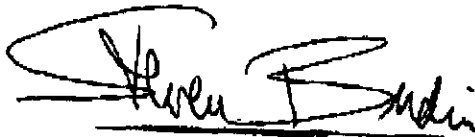
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Robert L. Schouweiler, Esq.
Chair, Public Arbitrator

Signature Date

Robert F. Saint-Aubin, Esq.
Public Arbitrator

Signature Date



Steven A. Budin, Esq.
Industry Arbitrator

8/9/00
Signature Date

Date of Service