

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:
Charles Schwab & Co., Inc., (Claimant) vs. Mua D. Tran, (Respondent).

Case Number: 99-02765

Hearing Site: San Francisco, California.

REPRESENTATION OF PARTIES

Charles Schwab & Co., Inc. "Claimant":

Mauricio S. Beugelmans, Esq.
Charles Schwab & Co., Inc.
San Francisco, California

Mua D. Tran "Respondent":

Did not appear.

CASE INFORMATION

Statement of Claim filed on or about: June 16, 1999.

Claimant executed the Uniform Submission Agreement: June 1999.

CASE SUMMARY

Claimants asserted the following cause of action: failure to deliver payment for stock purchase.

The Claimant alleges that after placing a trade for Onsale, Inc. (ONSL) the Respondent failed to deliver payment by settlement date.

RELIEF REQUESTED

Claimants requested:

Compensatory Damages	\$38,763.70
Interest	7.75% per annum from January 1, 1999
Attorneys' Fees	Unspecified
Other Costs	Unspecified

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned arbitrator has determined that Respondent Mua D. Tran has been properly served with the Statement of Claim and received due notice, and that arbitration of the matter would

proceed without said Respondent appearance, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent Mua D. Tran did not file with the NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Account Agreement Section (7) and is bound by the determination of the Arbitrator on all issues submitted.

Claimant submitted this matter for decision on the papers without a hearing. No opposition was received.

AWARD

After considering the pleadings, the testimony and evidence, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Charles Schwab & Co., Inc. is awarded and Mua D. Tran shall pay to Charles Schwab & Co., Inc. the sum of \$38,763.70, additionally Charles Schwab & Co., Inc. is awarded interest at 7.75% per annum from and after January 1, 1999 (\$8.34 per day) ;
2. Charles Schwab & Co., Inc.'s request for attorney's fees is denied;
3. Charles Schwab & Co., Inc. is awarded and Mua D. Tran shall pay to Charles Schwab & Co., Inc. the sum of \$1,600 in costs;

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$1,000
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter Charles Schwab & Co., Inc., the member firm, is a party.

Member surcharge	= \$800
Pre-hearing process fee	= \$600

Forum Fees and Assessments

The Arbitrator assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One session forum fee	= \$450
Total Forum Fees	= \$450

1. The Arbitrator has assessed \$450 of the forum fees to Mua D. Tran.

Fee Summary

1. Charles Schwab & Company, Inc. is solely liable for:

Initial Filing Fee	= \$1,000
<u>Member Fees</u>	<u>= \$1,400</u>
Total Fees	= \$2,400
<u>Less payments</u>	<u>= \$2,400</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0


2. Mua D. Tran is solely liable for:

<u>Forum Fees</u>	<u>= \$450</u>
Total Fees	= \$450
<u>Less payments</u>	<u>= \$ 0</u>
Balance Due NASD Dispute Resolution, Inc.	= \$450

All balances are due and payable to NASD Dispute Resolution, Inc.

NASD Dispute Resolution, Inc.
Arbitration No. 99-02765
Award Page 4 of 4

Arbitrator's Signature


Thomas C. McNally, Esq.
Public Arbitrator

2-16-01
Signature Date