

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Frederick D. Williams

Case Number: 19-02480

vs.

Respondents
GFI Securities LLC
Richard Giles
BGC Partners, Inc.
BGC Holdings, L.P.

Hearing Site: New York, New York

Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

Nature of the Dispute: Associated Person vs. Member, Associated Person, and Non-Members

The evidentiary hearing was conducted partially by videoconference.

REPRESENTATION OF PARTIES

For Claimant Frederick D. Williams: Daniel Scott Furst, Esq., Sichenzia Ross Ference LLP, New York, New York.

For Respondents GFI Securities LLC (“GFI”) and Richard Giles (“Giles”): Nirav S. Shah, Esq., GFI, New York, New York.

Respondent BGC Partners, Inc. did not enter an appearance in this matter.

Respondent BGC Holdings, L.P. did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: August 22, 2019.

Frederick D. Williams signed the Submission Agreement: August 22, 2019.

Joint Statement of Answer filed by Respondents GFI and Giles on or about: October 23, 2019.

GFI Securities LLC signed the Submission Agreement: October 23, 2019.

Richard Giles signed the Submission Agreement: October 23, 2019.

BGC Partners, Inc. did not submit a Statement of Answer or sign the Submission Agreement.

BGC Holdings, L.P. did not submit a Statement of Answer or sign the Submission Agreement.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: violation of New York Labor Law; breach of contract; breach of the implied covenant of good faith and fair dealing; conversion; unjust enrichment; false and misleading reporting of termination and defamation per se; accounting; and tortious interference with contract.

Unless specifically admitted in the Statement of Answer, Respondents GFI and Giles denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested an award for: compensatory damages of not less than \$1,000,000.00 plus an amount to be determined at hearing representing the 6.5 guaranteed bonus payments due to Claimant through December 31, 2022; liquidated damages; attorneys' fees; directing Respondents GFI, BGC Partners, Inc. and/or BGC Holdings, L.P. to account for all of the revenues and profits impacting the value of the classes of shares held by Claimant until the moment of his termination; compensatory damages based on unjust enrichment, for loss of business, guaranteed bonus, and good will; costs; pre- and post-judgment interest; and such further relief as the Panel deems just and proper.

In the Statement of Answer, Respondents GFI and Giles requested dismissal of the Statement of Claim in its entirety; attorneys' fees and costs; and such other and further relief as is deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

Respondents BGC Partners, Inc. and BGC Holdings, L.P. are not members or associated persons of FINRA and did not voluntarily submit to arbitration. Therefore, the Panel made no determination with respect to the claims against Respondents BGC Partners, Inc. and BGC Holdings, L.P.

The July 28, 2021 hearing was held via videoconference through Zoom. All other evidentiary hearings were in person. During the hearings, some witnesses testified via videoconference.

The Award in this matter may be executed in counterpart copies.

AWARD

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

1. Claimant’s claims are denied in their entirety.
2. Any and all claims for relief not specifically addressed herein, including any requests for liquidated damages, accounting, and attorneys’ fees, are denied.

FEES

Pursuant to the Code of Arbitration Procedure (“Code”), the following fees are assessed:

Filing Fees

FINRA Dispute Resolution Services assessed a filing fee* for each claim:

Initial Claim Filing Fee = \$ 2,000.00

**The filing fee is made up of a non-refundable and a refundable portion.*

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Respondent GFI is assessed the following:

Member Surcharge = \$ 3,025.00
Member Process Fee = \$ 6,175.00

Hearing Session Fees and Assessments

The Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrators, including a pre-hearing conference with the Arbitrators, which lasts four (4) hours or less. Fees associated with these proceedings are:

Three (3) pre-hearing sessions with the Panel @ \$1,400.00/session	= \$	4,200.00
Pre-Hearing Conferences: January 8, 2020	1 session	
November 2, 2020	1 session	
July 12, 2021	1 session	
Fourteen (14) hearing sessions @ \$1,400.00/session	= \$	19,600.00
Hearings: July 19, 2021	2 sessions	
July 20, 2021	2 sessions	
July 21, 2021	2 sessions	
July 22, 2021	1 session	
July 23, 2021	2 sessions	
July 26, 2021	2 sessions	
July 27, 2021	2 sessions	
July 28, 2021	1 session	

Total Hearing Session Fees = \$ 23,800.00

The Panel has assessed \$11,900.00 of the hearing session fees to Claimant.
The Panel has assessed \$11,900.00 of the hearing session fees to Respondent GFI.

All balances are payable to FINRA Dispute Resolution Services and are due upon receipt.

ARBITRATION PANEL

Mitchell Regenbogen	-	Public Arbitrator, Presiding Chairperson
James Stanley Kozera	-	Public Arbitrator
Andrew Joseph Donovan	-	Non-Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

Concurring Arbitrators' Signatures

Mitchell Regenbogen

Mitchell Regenbogen
Public Arbitrator, Presiding Chairperson

08/05/2021

Signature Date

James Stanley Kozera

James Stanley Kozera
Public Arbitrator

08/05/2021

Signature Date

Dissenting Arbitrator's Signature

Andrew Joseph Donovan

Andrew Joseph Donovan
Non-Public Arbitrator

08/06/2021

Signature Date

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August 11, 2021

Date of Service (For FINRA Dispute Resolution Services use only)