

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimants

Fred Militello, Jeannette Militello,
Daniella Militello, a minor child,
Matthew Militello, a minor child
and Giuliano Militello, a minor child

Case Number: 19-03835

vs.

Respondents

Dawson James Securities, Inc., and
Brandon J. Williams

Hearing Site: Baltimore, Maryland

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: Customers vs. Member and Associated Person

This case was decided by an all-public panel.

REPRESENTATION OF PARTIES

For Claimants Fred Militello; Jeannette Militello; Daniella Militello, a minor child; Matthew Militello, a minor child; and Giuliano Militello, a minor child (“Claimants”): William N. Butler, Esq., Butler, Melfa & Taylor, P.A., Towson, Maryland.

For Respondent Dawson James Securities, Inc. (“Dawson James”): Gregg J. Breitbart, Esq., Kaufman Dolowich & Voluck, LLP, Fort Lauderdale, Florida.

Respondent Brandon J. Williams (“Williams”) appeared pro se.

CASE INFORMATION

Statement of Claim filed on or about: December 31, 2019.

Notice of Correction (to Statement of Claim) filed on or about: January 31, 2020.

Claimants signed the Submission Agreement: November 12, 2019.

Statement of Answer filed by Dawson James on or about: March 20, 2020.

Dawson James signed the Submission Agreement: March 12, 2020.

Statement of Answer filed by Williams on or about: May 20, 2020.
Williams signed the Submission Agreement: May 21, 2020.

CASE SUMMARY

In the Statement of Claim, Claimants asserted the following causes of action: failure to supervise (FINRA Rule 3110), suitability (FINRA Rule 2111), and fraud (the Securities and Exchange Commission's Rule 10b-5 promulgated under the general anti-fraud provisions of the Securities Exchange Act of 1934). The causes of action related to Claimants' allegation that Williams invested their funds in unsuitable, highly speculative stocks, including ETAK (Elephant Talk Communications, Inc.), TEUM (Parateum Corporation), TMEN (ThermoEnergy Corporation), and NURO (NeuroMetrix, Inc.). Claimants also asserted that Williams purchased securities without authorization, failed to execute trades, and filled out Claimants' New Account Applications with incorrect information, and that Dawson James failed to monitor and supervise Williams' actions.

Unless specifically admitted in the Statement of Answer, Dawson James denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

In the Statement of Answer, Williams adopted the Answer of Dawson James.

RELIEF REQUESTED

In the Statement of Claim, Claimants requested that a judgment be entered against Dawson James and Williams, jointly and severally, for compensatory and punitive damages of \$100,000.00, costs, attorneys' fees, and such other and further relief as justice may require.

In the Statement of Answer, Dawson James requested that the Panel enter an award dismissing the Statement of Claim in its entirety.

In the Statement of Answer, Williams adopted the Statement of Answer of Dawson James requesting that the Panel enter an award dismissing the Statement of Claim in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

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

On January 31, 2020, in the Notice of Correction, Claimants revised the CRD Number of Williams. Claimants, in turn, served Williams with the Statement of Claim that now identified him as the individual respondent, rather than a different person with the same name who Claimants had previously identified by CRD Number.

On September 21, 2020, Claimants filed a Motion for Default and for Other and Further Relief ("Motion for Default"). On September 22, 2020, Williams filed a response in opposition to Claimants' Motion for Default. On September 23, 2020, Claimants filed a Motion to Strike Williams' response to the Motion for Default ("Motion to Strike"), to which no response was filed. On December 8, 2020, the Panel heard oral arguments on Claimants' Motion for Default and

Motion to Strike (collectively, "Claimants' Motions"). In an Order dated the same day, the Panel denied Claimants' Motions.

On July 23, 2021, Claimants filed a notice stating that they had settled with and dismissed Dawson James. Therefore, the Panel made no determination with respect to any of the relief requests against Dawson James contained in the Statement of Claim and the matter proceeded to hearing solely on Claimants' claims against Williams.

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

AWARD

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

1. Claimants' claims are denied in their entirety.
2. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, treble damages, and attorneys' fees, are denied.

FEES

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

Filing Fees

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

Initial Claim Filing Fee	= \$	975.00
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**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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Dawson James is assessed the following:

Member Surcharge	= \$	1,100.00
Member Process Fee	= \$	2,250.00

Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

August 4-6, 2021, postponement requested by Claimants	= \$	750.00
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Total Postponement Fees	= \$	750.00
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The Panel has assessed \$375.00 of the postponement fees, jointly and severally, to Claimants.

The Panel has assessed \$375.00 of the postponement fees to Dawson James.

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 Arbitrator(s), including a pre-hearing conference with the Arbitrator(s), which lasts four (4) hours or less. Fees associated with these proceedings are:

Three (3) pre-hearing sessions with the Panel @ \$750.00/session	= \$	2,250.00
Pre-Hearing Conferences: June 9, 2020	1 session	
September 8, 2020	1 session	
December 8, 2020	1 session	
Two (2) hearing sessions @ \$750.00/session	= \$	1,500.00
Hearings: August 3, 2021	2 sessions	
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Total Hearing Session Fees	= \$	3,750.00

The Panel has assessed \$1,875.00 of the hearing session fees, jointly and severally, to Claimants.

The Panel has assessed \$1,125.00 of the hearing session fees to Dawson James.

The Panel has assessed \$750.00 of the hearing session fees to Williams.

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

ARBITRATION PANEL

Thomas J. Dolina	-	Public Arbitrator, Presiding Chairperson
Alan Robert Malasky	-	Public Arbitrator
Catherine Esther Bocskor	-	Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument, which is my award.

Concurring Arbitrators' Signatures

Thomas J. Dolina

Thomas J. Dolina
Public Arbitrator, Presiding Chairperson

08/10/2021

Signature Date

Alan Robert Malasky

Alan Robert Malasky
Public Arbitrator

08/10/2021

Signature Date

Catherine Esther Bocskor

Catherine Esther Bocskor
Public Arbitrator

08/10/2021

Signature Date

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August 10, 2021

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