

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Wells Fargo Clearing Services, LLC

Case Number: 24-00032

vs.

Respondent
James Yan-Sin Lee

Hearing Site: San Francisco, California

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: Member vs. Associated Person

REPRESENTATION OF PARTIES

For Claimant Wells Fargo Clearing Services, LLC: Teresa J. Thong, Esq., Keesal, Young & Logan, Long Beach, California.

Respondent James Yan-Sin Lee did not enter an appearance.

CASE INFORMATION

Statement of Claim filed on or about: January 3, 2024.

Claimant signed the Submission Agreement: December 28, 2023.

Respondent did not file a Statement of Answer or sign the Submission Agreement.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: breach of the promissory note signed on or about April 5, 2017 (“Promissory Note”); common count for money lent; common count for account stated; and unjust enrichment. Claimant alleged that Respondent failed to repay the balances of the Promissory Note upon the conclusion of Respondent’s employment with Claimant.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Damages of the principal balance due and owing under the Promissory Note in the amount of \$502,574.45, plus interest accrued during the term of the Promissory Note at

the rate of 2.78% per annum and interest accruing at the rate of 5.78% per annum on the balance due and owing under the Promissory Note from the date of default (May 17, 2022) to the date of payment;

2. All costs and expenses incurred in connection with this action, including Claimant's attorneys' fees as agreed to under the terms of the Promissory Note; and
3. Any and all further relief as the Arbitrator deems to be just and equitable.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties.

Respondent did not file a Statement of Answer. Accordingly, this matter proceeded pursuant to Rule 13807 of the Code of Arbitration Procedure ("Code").

The Arbitrator determined that Respondent was served with the Claim Notification letter dated January 4, 2024 by regular mail and FedEx, as evidenced by the FedEx tracking information available online, and the Overdue Notice (including the Statement of Claim) dated February 26, 2024 by regular and FedEx, as evidenced by the FedEx tracking information available online. The Arbitrator also determined that Respondent was served with the Notification of Arbitrator dated March 20, 2024 by regular and FedEx, as evidenced by the FedEx tracking information available online.

The Claim Notification letter notified Respondent that FINRA rules require parties to use the online DR Portal on a mandatory basis (except pro se investors) and that failure to register for the DR Portal will prevent the submission of pleadings, selection of arbitrators, and receipt of notification relating to case information and deadlines. Respondent failed to register for the DR Portal.

The Arbitrator determined that Respondent is, therefore, bound by the Arbitrator's ruling and determination.

AWARD

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

1. Respondent is liable for and shall pay to Claimant the sum of \$502,574.45.
2. Respondent is liable for and shall pay to Claimant interest on the above-stated sum at the rate of 5.78% per annum from May 17, 2022 until the date the Award is paid in full.
3. Respondent is liable for and shall pay to Claimant \$300.00 to reimburse Claimant for the Paper Decision Fee previously paid to FINRA Dispute Resolution Services.
4. Any and all claims for relief not specifically addressed herein, including any requests for attorneys' fees, are denied.

FEES

Pursuant to the Code, Claimant has paid to FINRA Dispute Resolution Services the \$2,625.00 Member Surcharge previously invoiced. FINRA Dispute Resolution Services has invoiced Claimant for the \$5,225.00 Member Process Fee.

Claimant has also paid to FINRA Dispute Resolution Services the \$1,350.00 non-refundable portion of the filing fee and the \$300.00 Paper Decision Fee.

ARBITRATOR

Helen Marinak Blohm

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Sole 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.

Arbitrator's Signature

Helen Marinak Blohm

Helen Marinak Blohm
Sole Public Arbitrator

03/25/2024

Signature Date

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March 26, 2024

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