

**Stipulated Award
NASD Dispute Resolution, Inc.**

In the Matter of the Arbitration Between:

IRVIN YAROCH,

Claimant,

v.

MIDWEST PENSION ACTUARIES, INC.,
MARINER FINANCIAL SERVICES, INC.,
BERNARD L. HEMKER, J. WILL PAULL,
CLARK F. COLTON, WILLIAM GREGG,
DENNIS BROWN, ROBERT BOONE and
KENNETH D. WARNICK,

Respondents.

Case Number: 00-00526

Hearing Site: Detroit, Michigan

REPRESENTATION OF PARTIES

Claimant, Irvin Yaroch ("Claimant"): Anthony V. Trogan, Esq., 30100 Telegraph Road, Suite 428, Bingham Farms, MI 48025

Respondents Midwest Pension Actuaries, Inc. and Bernard L. Hemker: Gary M. Saretsky, 1760 S. Telegraph Rd., Suite 300, Bloomfield Hills, MI 48302-0183

Respondents J. Will Paull, Clark F. Colton, William Gregg, Dennis Brown, Robert Boone, and Kenneth D. Warnick: Matthew W. Schlegel, 25800 Northwestern Highway, Suite 950, Southfield, MI 48075

Respondent Mariner Financial Services, Inc: Thomas R. Cox, 150 West Jefferson, Suite 2500, Detroit, Michigan 48226

CASE INFORMATION

Statement of Claim filed on or about January 31, 2000. Respondents Mariner, Paull, Colton, Gregg, Brown, Boone and Warnick filed responses on or about April 10, 2000, and Respondent Hemker filed a response on or about January 4, 2001. Respondent

NASD Dispute Resolution, Inc.
Arbitration # 00-00526
Award Page 2 of 5

Midwest has not agreed to submit to arbitration and has challenged jurisdiction before the NASD Resolution, Inc. Claimant withdrew his claims with prejudice on or about February 7, 2001.

CASE SUMMARY

Claimant asserted the following legal theories in support of his recovery: breach of contract, fraud, conspiracy, promissory estoppel, conversion, negligence, malpractice, breach of fiduciary duty, breach of Michigan securities law, and violation of Michigan Consumer's Protection Law.

Respondents denied the allegations made in the Statement of Claim and asserted legal and factual defenses to the claims.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$100,000
Punitive Damages	Unspecified
Interest	6%
Attorneys' Fees	Unspecified
Other Costs	Unspecified
Other Monetary/Non-Monetary Relief	Unspecified
if any:	

Respondents requested dismissal of Claimant's claims, costs and attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

Claimant, having had an opportunity to review the records and documents produced in prehearing discovery and discuss the contents thereof with his counsel, stipulates and agrees with Respondents to the expungement of all reference to the above-captioned arbitration from all registration records of Respondents BERNARD L. HEMKER, J. WILL PAULL, CLARK F. COLTON, WILLIAM GREGG, DENNIS BROWN, ROBERT BOONE, and KENNETH D. WARNICK maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondents must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive; and

Claimant has agreed to withdraw and dismiss all claims in the above-entitled case against BERNARD L. HEMKER, J. WILL PAULL, CLARK F. COLTON, WILLIAM GREGG, DENNIS BROWN, ROBERT BOONE, KENNETH D. WARNICK, MARINER

NASD Dispute Resolution, Inc.
Arbitration # 00-00526
Award Page 3 of 5

FINANCIAL SERVICES, INC., and MIDWEST PENSION ACTUARIES, INC. with prejudice and without costs.

The parties have further agreed that the Award in this matter may be executed in counterpart copies.

AWARD

After considering the parties' submissions, representations and stipulations, but without making any findings of fact or conclusions of law, the undersigned arbitrators order as follows:

- 1) All claims having been withdrawn, the same are hereby dismissed with prejudice and without costs, except as specified hereinafter.
- 2) The panel recommends the expungement of any and all references to the above captioned arbitration from Respondents BERNARD L. HEMKER, J. WILL PAULL, CLARK F. COLTON, WILLIAM GREGG, DENNIS BROWN, ROBERT BOONE, and KENNETH D. WARNICK's registration records maintained by the CRD, with the understanding that pursuant to NASD Notice to Members 99-09, Respondents must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
- 3) That any relief not specifically enumerated, including punitive damages, is hereby denied with prejudice.

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 = \$ 225.00

NASD Dispute Resolution, Inc.
 Arbitration # 00-00526
 Award Page 4 of 5

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, the member firm is a party.

Member surcharge	=	\$1,000.00
Pre-hearing process fee	=	\$600.00
Hearing process fee	=	\$1,500.00

Forum Fees and Assessments

The Panel 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:

Two (2) Pre-hearing sessions	=	\$1,200.00
Pre-hearing conferences:		August 22, 2000 with Panel x \$750.00 – 1 session
		October 17, 2000 with Chairperson x \$450.00 – 1 session

The Panel has assessed \$225.00 of the forum fees solely to Respondent Mariner Financial Services, Inc.

The Panel has assessed \$225.00 of the forum fees solely to Respondent Bernard L. Hemker.

The Panel has assessed \$750.00 of the forum fees solely to Claimant.

Fee Summary

Claimant is liable for:

Initial Filing Fee	=	\$ 225.00
Forum Fees	=	\$ 750.00
Total Fees	=	\$ 975.00
Less payments	=	\$ 975.00
Balance due NASD Dispute Resolution, Inc.	=	\$ 0.00

Respondent, Mariner Financial Services, Inc., be and hereby is solely liable for:

Member Fees	=	\$3,100.00*
Forum Fees	=	\$ 225.00
Balance due NASD Dispute Resolution, Inc.	=	\$3,325.00

NASD Dispute Resolution, Inc.
Arbitration # 00-00526
Award Page 5 of 5

Respondent, Bernard L. Hemker, be and hereby is solely liable for:

Postponement Fee	=	\$ 750.00
<u>Forum Fees</u>	=	<u>\$ 225.00</u>
Total Fees	=	\$ 975.00
<u>Less payments</u>	=	<u>\$1,125.00</u>
Refund due from NASD Dispute Resolution, Inc.	=	\$ 150.00

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

Concurring Arbitrators' Signatures

Kenneth J. Safran, Esq.
Public Arbitrator, Presiding Chair

Signature Date

James F. Mooney
Industry Arbitrator

Signature Date

Gerald E. Patera
Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

* Mariner submits that it has not been a member of the National Association of Securities Dealers ("NASD") since November 25, 1997, dissolved as a corporation on November 5, 1999, and consequently is not obligated to pay this amount. NASD Dispute Resolution, Inc. has nonetheless insisted on making this assessment.

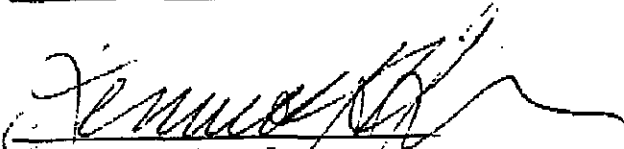
NASD Dispute Resolution, Inc.
Arbitration # 00-00526
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Public Arbitrator, Presiding Chair

3/9/01
Signature Date

James F. Mooney
Industry Arbitrator

Signature Date

Gerald E. Patera
Public Arbitrator

Signature Date

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Public Arbitrator, Presiding Chair

Signature Date


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Industry Arbitrator

4-9-01
Signature Date

Gerald E. Patera
Public Arbitrator

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NATIONAL ASSOCIATION
OF SECURITIES DEALERS
RECEIVED
APR 29 2001

Kenneth J. Safran, Esq.
Public Arbitrator, Presiding Chair

Signature Date

James F. Mooney
Industry Arbitrator

Signature Date



Gerald E. Panza
Public Arbitrator

4-10-01

Signature Date

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