

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

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In the Matter of the Arbitration Between:

First Albany Corporation, (Claimant) vs. Peter Shaughnessy, (Respondent)

Case Number: 00-03239

Hearing Site: New York, New York

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**REPRESENTATION OF PARTIES**

Claimant, First Albany Corporation, hereinafter referred to as "Claimant": Brian F. Mumford, Esq., Harvey and Mumford, Albany, NY.

Respondent, Peter Shaughnessy, hereinafter referred to as "Respondent", did not appear at the hearing in this matter. Previously represented by: Dan A. Druz, Esq., a sole practitioner, Manasquan, NJ.

**CASE INFORMATION**

Statement of Claim filed on or about: July 25, 2000.

Claimant signed the Uniform Submission Agreement: July 25, 2000.

Statement of Answer filed by Respondent on or about: October 3, 2000.

Respondent did not sign a Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following cause of action: breach of promissory note.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$33,299.90, plus accrued interest, reasonable costs of collection, attorneys' fees, and such other and further relief as the Arbitrator deems just and proper.

Respondent requested that the Statement of Claim be dismissed in its entirety as against him.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrator (the "Arbitrator") determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent did not file with NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and, having answered the claim, is bound by the determination of the Arbitrator on all issues submitted.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

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

1. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$33,330.00 as compensatory damages, plus interest in the amount of \$7,187.16.
2. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$4,942.00 as attorneys' fees. The Panel awarded attorneys' fees pursuant to the terms of the promissory note signed by Respondent.
3. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$1,000.00, to reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution, Inc.
4. All other requests for relief are hereby denied.

### **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	= \$1,000.00
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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 that employed the associated person at the time of the events giving rise to the dispute. In this matter, First Albany Corporation is a party.

Member surcharge	= \$ 800.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$1,000.00

#### **Adjournment Fees**

Adjournments requested during these proceedings:

Nov. 19 & 20, 2001, adjournment by Respondent	= \$ 450.00
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#### **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, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator x \$450.00	= \$ 450.00
Pre-hearing conference: May 1, 2001 1 session	

One (1) Hearing session x \$450.00	= \$ 450.00
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Hearing Date: February 12, 2002 1 session	
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Total Forum Fees	= \$ 900.00
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The Arbitrator has assessed all of the forum fees against Respondent.

**Fee Summary**

1. Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$1,000.00
<u>Member Fees</u>	= <u>\$2,400.00</u>
Total Fees	= \$3,400.00
<u>Less payments</u>	= <u>\$3,850.00</u>
Refund Due Claimant	= \$ 450.00

*As stated in the "Award" section above, Respondent is liable and shall reimburse Claimant for the \$1,000.00 filing fee.*

2. Respondent be and hereby is solely liable for:

Adjournment Fee	= \$ 450.00
<u>Forum Fees</u>	= <u>\$ 900.00</u>
Total Fees	= \$1,350.00
<u>Less payments</u>	= <u>\$ 0.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$1,350.00

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

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**ARBITRATION PANEL**

Mark Hammaren

- Industry Arbitrator

**Arbitrator's Signature**

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.

  
Mark Hammaren  
Industry Arbitrator

3/6/02  
Signature Date

March 7, 2002  
Date of Service (For NASD office use only)