

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

---

In the Matter of the Arbitration Between:

J.P. Morgan Securities, Inc., (Claimant) vs. Faron R. Webb, (Respondent)

Case Number: 00-03995

Hearing Site: New York, New York

---

**REPRESENTATION OF PARTIES**

Claimant, J.P. Morgan Securities, Inc., hereinafter referred to as "Claimant": Michael E. Norton, Esq., Robinson Murphy & McDonald, New York, NY.

Respondent, Faron R. Webb, hereinafter referred to as "Respondent": Joel E. Davidson, Esq., Law Offices of Joel E. Davidson, Park Ridge, NJ.

**CASE INFORMATION**

Statement of Claim filed on or about: September 12, 2000.

Claimant signed the Uniform Submission Agreement: September 12, 2000.

Statement of Answer filed by Respondent on or about: November 17, 2000.

Respondent signed the Uniform Submission Agreement: November 20, 2000.

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of employment agreement and failure to repay conditional sign-on bonus and special payment.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: Respondent did not receive the sign-on bonus or special payment in question, and is therefore not liable to Claimant; Claimant's claim is barred by Claimant's unclean hands; and Claimant has breached the letter agreement such that there is absolutely no reason to award Claimant any money thereunder.

### **RELIEF REQUESTED**

Claimant requested:

- a. An Award requiring repayment by Respondent to Claimant in the amount of \$26,460.00;
- b. Pre-award statutory interest from June 8, 2000 to the date of the entry of the Award;
- c. Post-award statutory interest from the date of entry of the Award to the date of satisfaction in full of the Award, including payment of all applicable interest; and
- d. All costs and expenses of this arbitration, including, without limitation, all filing, forum, and arbitrators' fees, all hearing and witness fees, and Claimant's reasonable attorneys' fees and disbursements.

Respondent requested that the Statement of Claim be dismissed in its entirety, that Claimant expunge from its records its threat of criminal prosecution, and that all costs and disbursements be assessed against Claimant, along with all of Respondent's legal fees.

Respondent also requests that Claimant's threat of criminal action be referred to an NASD disciplinary committee to consider whether Claimant has violated just and equitable principles of trade.

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

During the hearing in this matter, Respondent made a motion to dismiss. The Arbitrator denied said motion.

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 \$26,460.00 as compensatory damages, plus interest at the rate of 9% per annum accruing from June 8, 2000 until date of payment.
2. 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
--------------------------	--------------

#### **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, J.P. Morgan Securities, Inc. is a party.

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

#### **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: April 26, 2001	1 session

Two (2) Hearing sessions x \$450.00	= \$ 900.00
-------------------------------------	-------------

<u>Hearing Date:</u> August 8, 2001	2 sessions
-------------------------------------	------------

---

Total Forum Fees	= \$1,350.00
------------------	--------------

1. The Arbitrator has assessed \$450.00 of the forum fees against Claimant.
2. The Arbitrator has assessed \$900.00 of the forum fees against Respondent.

**Fee Summary**

1. Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$2,200.00
<u>Forum Fees</u>	= \$ 450.00
Total Fees	= \$3,650.00
<u>Less payments</u>	= \$2,050.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,600.00

2. Respondent be and hereby is solely liable for:

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

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

NASD Dispute Resolution, Inc.  
Arbitration No. 00-03995  
Award Page 5

---

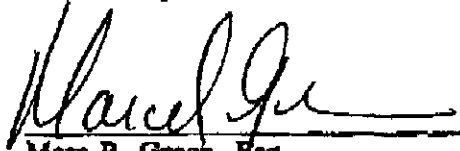
**ARBITRATION PANEL**

Marc R. Green, Esq.

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.



Marc R. Green, Esq.  
Industry Arbitrator

Sept 7, 2001  
Signature Date

September 20, 2001  
Date of Service (For NASD office use only)