

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Betty Johnson, (Claimant) vs. Investor's Advocate, LLC, Steven Maczka, and Jason Watkins,
(Respondents)

Case Number: 00-04527

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant, Betty Johnson, hereinafter referred to as "Claimant", appeared *pro se*.

Respondents, Investor's Advocate, LLC ("Investor's"), Steven Maczka ("Maczka"), and Jason Watkins ("Watkins"), hereinafter collectively referred to as "Respondents", did not appear at the hearing in this matter.

CASE INFORMATION

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

Claimant signed the Uniform Submission Agreement: October 11, 2000.

Statement of Answer filed by Respondents on or about: December 13, 2000.

Investor's signed the Uniform Submission Agreement: December 13, 2000.

Maczka signed the Uniform Submission Agreement: December 13, 2000.

Watkins signed the Uniform Submission Agreement: December 13, 2000.

CASE SUMMARY

Claimant asserted the following cause of action: unpaid commissions due to bounced commission check.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: Respondents' intention has always been to compensate Claimant and the parties had agreed to do so following the proper transfer of Claimant's brokerage accounts to her new firm of employment.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$8,603.75 and punitive damages in the amount of \$17,207.50.

Respondents did not make any relief requests in their Statement of Answer.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made by Claimant, the undersigned arbitrator (the "Arbitrator") determined that Investor's, Maczka, and Watkins have been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without Investor's, Mackza, and Watkins present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

On May 31, 2001, after the conclusion of the hearing, Respondents indicated by telephone that they were requesting an adjournment of the hearing. Respondents were notified that their request should be made in writing for consideration by the Arbitrator. Respondents did not file the request for adjournment.

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. Respondents be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$8,775.00 as compensatory damages, plus interest in the amount of \$514.50, representing 8% interest accruing from August 31, 2000 through May 31, 2001.
2. Claimant's request for punitive damages is hereby denied.
3. Respondents be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$150.00, 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	= \$ 150.00
--------------------------	-------------

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 persons at the time of the events giving rise to the dispute. In this matter, Investor's Advocate, LLC 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: March 2, 2001	1 session

One (1) Hearing session x \$450.00	= \$ 450.00
Hearing Date: May 31, 2001	1 session

Total Forum Fees	= \$ 900.00
------------------	-------------

The Arbitrator has assessed all of the forum fees jointly and severally against Respondents.

Fee Summary

1. Claimant be and hereby is solely liable for:

<u>Initial Filing Fee</u>	= \$ 150.00
Total Fees	= \$ 150.00
<u>Less payments</u>	= \$ 600.00
Refund Due Claimant	= \$ 450.00

As stated in the "Award" section above, Respondents are jointly and severally liable and shall reimburse Claimant for the \$150.00 filing fee.

2. Investor's be and hereby is solely liable for:

<u>Member Fees</u>	= \$2,200.00
Total Fees	= \$2,200.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$2,200.00

3. Respondents be and hereby are jointly and severally 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.

ARBITRATION PANEL

John Peter Sergio

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.



John Peter Sergio
Industry Arbitrator

6-14-01

Signature Date

June 18, 2001

Date of Service (For NASD office use only)