

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Name of Claimant

Suzanne Taracks

Case No. 00-04876

Names of Respondents

Stellar Investments, Inc.
Trey David Mooney

Hearing Site: Tampa, Florida

REPRESENTATION OF PARTIES

For Suzanne Taracks, hereinafter referred to as "Claimant": Jeff Albinson, Esq., Albinson, Persante & McCormack, P.A., Clearwater, Florida. On or about May 7, 2001, Robert Persante, Esq., Persante & McCormack, Clearwater, Florida, filed his notice of appearance and change of firm address, as counsel for Claimant.

Stellar Investments, Inc. ("Stellar") did not appear.

Trey David Mooney ("Mooney") appeared *pro se*.

CASE INFORMATION

Statement of Claim filed on or about: November 2, 2000.

Amended Statement of Claim filed on or about: September 7, 2001.

Claimant signed the Uniform Submission Agreement on: March 20, 2001.

Respondent Stellar did not file a Statement of Answer or executed Uniform Submission Agreement.

Statement of Answer to Amended Statement of Claim filed by Respondent Mooney on or about: September 14, 2001.

Respondent Mooney did not file an executed Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: 1) violations of Sections 517.211 and 517.301, Florida Statutes; 2) violations of Section 817.29, Florida Statutes; and 3) violations

of Sections 772.102(5) and (22), 772.103, 772.104, 812.012 and 812.014, Florida Statutes. The causes of action relate to unsuitable investments, misrepresentations and omissions of material facts, unauthorized trading and excessive trading of Claimant's account.

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

RELIEF REQUESTED

Claimant requested: 1) compensatory and treble damages in the total approximate amount of \$45,000.00; 2) interest; 3) costs; 4) attorneys' fees; and 5) such other relief the undersigned arbitrator (the "Arbitrator") deemed just and proper.

Respondent Mooney requested dismissal of the Statement of Claim.

OTHER ISSUES CONSIDERED AND DECIDED

At the telephonic initial pre-hearing conference held on August 14, 2001, the Arbitrator ordered Claimant to file a more definite Statement of Claim.

Respondent Stellar did not file with NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and is bound by the determination of the Arbitrator on all issues submitted.

Respondent Mooney 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, appeared and testified at the hearing, is bound by the determination of the Arbitrator on all issues submitted.

Respondent Stellar did not appear in this matter. Upon review of the file and the representations made by/on behalf of the Claimant, the Arbitrator determined that Respondent Stellar 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 said Respondent present, in accordance with the Code.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents Stellar and Mooney are liable, jointly and severally, and shall pay to Claimant compensatory damages in the amount of \$18,965.03, plus pre-judgment interest in

the amount of \$2,779.81. Post-judgment interest shall accrue in accordance with Rule 10330(h) of the Code. The Panel finds Respondents Stellar and Mooney liable for violations of Sections 517.211 and 517.301, Florida Statutes. The Panel does not find Respondents Stellar and Mooney liable on all other claims asserted by Claimant.

2. Claimant's requests for attorneys' fees and costs are deferred to a court of competent jurisdiction for determination.

3. Any and all relief not specifically addressed herein, including treble damages, is 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	= \$175.00
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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, Respondent Stellar was a member firm at the time of service of the Statement of Claim. On April 5, 2001, Respondent Stellar's membership in the NASD was cancelled.

Member surcharge	= \$800.00
Pre-hearing process fee	= \$600.00

Adjournment Fees

Adjournments requested during these proceedings:

There were no adjournments requested during these proceedings.

Forum Fees and Assessments

The Arbitrator has the authority to assess 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 the Arbitrator x \$450.00	= \$450.00
Pre-hearing conference: August 14, 2001	1 session
Two (2) Hearing sessions x \$450.00	= \$900.00
Hearing Date: November 5, 2001	2 sessions

Total Forum Fees	= \$1,350.00
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The Panel has assessed the total forum fees of \$1,350.00 jointly and severally to Respondents Stellar and Mooney.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

FEE SUMMARY

Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$175.00
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Total Fees	= \$175.00
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Less payments	= \$175.00
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Balance Due NASD Dispute Resolution, Inc.	= \$0.00
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Respondent Stellar be and hereby is solely liable for:

Member Fees	= \$1,400.00
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Total Fees	= \$1,400.00
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Less payments	= \$ 0.00
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Balance Due NASD Dispute Resolution, Inc.	= \$1,400.00
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Respondents Stellar and Mooney be and hereby are jointly and severally liable for:

Forum Fees	= \$1,350.00
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Total Fees	= \$1,350.00
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Less payments	= \$ 0.00
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Balance Due NASD Dispute Resolution, Inc.	= \$1,350.00
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All balances are due and payable to NASD Dispute Resolution, Inc. immediately upon receipt of the Award by the parties pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Stanley Lampert, Esq.

Public Arbitrator

Arbitrator's Signature

Stanley Lampert, Esq.
Stanley Lampert, Esq.
Public Arbitrator

November 15, 2001
Signature Date

November 15, 2001
Date of Service

ARBITRATION PANEL

Stanley Lampert, Esq.

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Public Arbitrator

Arbitrator's Signature

/s/

Stanley Lampert, Esq.
Public Arbitrator

Signature Date

November 15, 2001
Date of Service