
Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Laura D. Hawkins,
Claimant

Vs.

Case Number: 00-04900

Auerbach, Pollak & Richardson, Inc., and
Vincent Polisenno,
Respondents.

Hearing Site: Louisville, Kentucky

REPRESENTATION OF PARTIES

Claimant Laura D. Hawkins ("Claimant") was represented by James P. McCrocklin, Esquire, Louisville, Kentucky.

Respondents Auerbach, Pollak & Richardson, Inc. ("APR") and Vincent Polisenno ("Polisenno"), hereinafter collectively referred to as "Respondents," were not represented by counsel and did not appear at the hearing.

CASE INFORMATION

The Statement of Claim was filed on or about November 2, 2000.
Claimant signed the Uniform Submission Agreement on October 23, 2000.

Respondents did not file Answers or Uniform Submission Agreements.

CASE SUMMARY

Claimant asserted the following causes of action: violations of Sections 10(b) and 20 and Rule 10b-5, fraud, deceit, omission of material facts, unsuitability, intentional misrepresentation, negligent misrepresentation, breach of fiduciary duty, breach of contract and violations of Kentucky state securities and consumer protection laws. These causes of action related to transactions involving the following common stocks: Digital Video Systems, Inc., Vencor, Inc., and Premier Technologies, Inc.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$31,217.86
Punitive Damages	unspecified
Attorney's Fees	unspecified
Other Costs and Fees	unspecified

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned Panel determined that Respondents APR and Poliseno had been properly served with the Statement of Claim and had received due notice of the hearing, and that arbitration of the matter would proceed without Respondents present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondents APR and Poliseno did not file with NASD Dispute Resolution, Inc., properly executed submissions to arbitration but are required to submit to arbitration pursuant to the Code and are bound by the determination of the Panel on all issues submitted.

AWARD

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

1. Respondents Auerbach, Pollak & Richardson, Inc., and Vincent Poliseno are jointly and severally liable for, and shall pay to Claimant Laura D. Hawkins, the sum of \$31,217.86 (Thirty-one Thousand Two Hundred Seventeen Dollars and Eighty-six Cents) in compensatory damages, together with interest thereon at the rate of 8% (eight percent) per annum, accruing from December 17, 1998, until the date of payment of the award.
2. Respondents Auerbach, Pollak & Richardson, Inc., and Vincent Poliseno are jointly and severally liable for, and shall pay to Claimant Laura D. Hawkins, attorney's fees in an amount equal to one third of the sum awarded in paragraph 1 above, including interest. The undersigned arbitrator finds that the authority for this award of attorney's fees is granted by K.R.S. Chapter 292.
3. Respondents Auerbach, Pollak & Richardson, Inc., and Vincent Poliseno are jointly and severally liable for, and shall pay to Claimant Laura D. Hawkins, the sum of \$175.00 (One Hundred Seventy-five Dollars and No Cents) as reimbursement of Claimant's initial filing fee.

4. Except as otherwise specified herein, each party shall bear its own costs and attorneys' fees.
5. Any and all relief not specifically addressed herein (including punitive damages) is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc., will retain the following non-refundable filing fee:

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(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	= \$ 800.00
Pre-hearing process fees	= \$ 600.00
Hearing process fees	= \$1,000.00

Forum Fees and Assessments

The Panel has the authority to assess 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 with a single arbitrator x \$450	= \$ 900.00
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Pre-hearing conferences:	May 24, 2001	1 session
	May 1, 2002	1 session

One (1) Hearing session x \$450	= \$ 450.00
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Hearing Date:	June 11, 2002	1 session
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Total Forum Fees	= \$1,350.00
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The Panel has assessed all forum fees incurred in this arbitration to Respondents Auerbach, Pollak & Richardson, Inc., and Vincent Polisenio, jointly and severally.

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NASD REGULATION

NASD Dispute Resolution, Inc.
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Fee Summary

1. Claimant Laura D. Hawkins is solely liable for:

<u>Initial Filing Fee</u>	= \$ 175.00
<u>Total Fees</u>	= \$ 175.00
<u>Less payments</u>	= \$ 625.00
<u>Refund Due to Claimant</u>	= \$ 450.00

2. Respondent Auerbach, Pollak & Richardson, Inc., is solely liable for:

<u>Member Fees</u>	= \$2,400.00
<u>Total Fees</u>	= \$2,400.00
<u>Less payments</u>	= \$ 0
<u>Balance Due to NASD Dispute Resolution, Inc.</u>	= \$2,400.00

3. Respondents Auerbach, Pollak & Richardson, Inc., and Vincent Polisenio are jointly and severally liable for:

<u>Forum Fees</u>	= \$1,350.00
<u>Total Fees</u>	= \$1,350.00
<u>Less payments</u>	= \$ 0
<u>Balance Due to NASD Dispute Resolution, Inc.</u>	= \$1,350.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Robert P. Ross, Esq. -

Public Arbitrator


Robert P. Ross, Esq.
Sole Public Arbitrator

6-24-02
Signature Date

Date of Service (For NASD-Dispute Resolution office use only)