

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Catherine L. Woodworth, (Claimant) vs. Investor's Advocate, LLC, Steven Maczka, and Jason Watkins, (Respondents)

Case Number: 00-05082

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant, Catherine L. Woodworth, hereinafter referred to as "Claimant", appeared *pro se*.

Respondents, Investor's Advocate, LLC ("IA"), 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: November 14, 2000.

Amended Statement of Claim filed on or about: April 20, 2001.

Claimant signed the Uniform Submission Agreement: November 14, 2000.

Statement of Answer filed by IA and Maczka on or about: February 27, 2001.

IA did not sign a Uniform Submission Agreement.

Maczka signed the Uniform Submission Agreement: February 27, 2001.

Watkins did not file a Statement of Answer or sign a Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: unpaid salary and commissions.

Unless specifically admitted in their Answer, IA and Maczka denied the allegations made in the Statement of Claim and asserted the following defenses: it has always been IA's intention to compensate Claimant; the parties had agreed that Woodworth would be compensated following the proper brokerage accounts being successfully transferred with Woodworth to her new employing brokerage firm; and Claimant is not entitled to punitive damages because she would have been compensated in October 2000 if she had followed the agreed upon terms.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$1,085.00 for unpaid commissions, compensatory damages in the amount of \$2,291.53 for unpaid salary, and punitive damages in the amount of \$1,000.00.

IA and Maczka 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 IA, 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 IA, Maczka, and Watkins present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

IA and Watkins 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 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. Respondents be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$200.00 as compensatory damages for unpaid commissions.
2. Respondents be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$2,291.53 as compensatory damages for unpaid salary.
3. Maczka and Watkins be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$50.00, to reimburse Claimant for the filing fee 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 = \$ 50.00

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, Investor's Advocate, LLC is a party.

Member surcharge = \$150.00

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 arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator x \$125.00 = \$125.00
Pre-hearing conference: June 29, 2001 1 session

One (1) Hearing session x \$125.00 = \$125.00
Hearing Date: August 2, 2001 1 session

Total Forum Fees = \$250.00

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

Fee Summary

1. Claimant be and hereby is solely liable for:

<u>Initial Filing Fee</u>	= \$ 50.00
<u>Total Fees</u>	= \$ 50.00
<u>Less payments</u>	= \$ 75.00
<u>Refund Due Claimant</u>	= \$ 25.00

As stated in the "Award" section above, Maczka and Watkins are jointly and severally liable and shall reimburse Claimant for the \$50.00 filing fee.

2. IA be and hereby is solely liable for:

<u>Member Fees</u>	= \$150.00
<u>Total Fees</u>	= \$150.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution, Inc.</u>	= \$150.00

3. Maczka and Watkins be and hereby are jointly and severally liable for:

<u>Forum Fees</u>	= \$250.00
<u>Total Fees</u>	= \$250.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution, Inc.</u>	= \$250.00

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

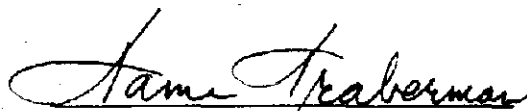
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ARBITRATION PANEL

Tama Traberman - 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.



Tama Traberman
Industry Arbitrator

August 27, 2001
Signature Date

August 29, 2001
Date of Service (For NASD office use only)