

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Name of Claimant

Case No. 01-01267

Charles P. Curcio

Names of Respondents

Mayflower Capital, L.L.C.
John David Brothers
Diane W. Pace

Hearing Site: Raleigh, North Carolina

REPRESENTATION OF PARTIES

For Charles P. Curcio, hereinafter referred to as "Claimant": Nicholas D. Thomas, Esq.,
Law Office of Nicholas D. Thomas, Raleigh, North Carolina.

For Mayflower Capital, L.L.C. ("Mayflower"): Stanley H. Van Etten, Raleigh, North
Carolina.

John David Brothers ("Brothers") appeared pro se.

Diane W. Pace ("Pace") appeared pro se.

CASE INFORMATION

Statement of Claim filed on or about: March 6, 2001.

Claimant signed the Uniform Submission Agreement on: February 28, 2001.

Statement of Answer filed by Respondent Mayflower on or about: Unsigned fax dated
January 4, 2002.

Respondent Mayflower signed the Uniform Submission Agreement on: January 9, 2002.

Statement of Answer filed by Respondent Brothers on or about: June 14, 2001.

Supplemental Statement of Answer filed by Respondent Brothers on or about: January 4,
2002.

Respondent Brothers signed the Uniform Submission Agreement on: January 9, 2002.

Statement of Answer filed by Respondent Pace on or about: June 21, 2001.

Respondent Pace signed the Uniform Submission Agreement on: June 21, 2001.

CASE SUMMARY

Claimant asserted the following causes of action: 1) violation of the anti-fraud provisions of the North Carolina Securities Act; 2) common law fraud; 3) breach of fiduciary duty; and 4) negligence and gross negligence. The causes of action relate to investments in Mayflower Venture Capital Fund II and Mayflower Venture Capital Fund III.

Unless specifically admitted in its Answer, Respondent Mayflower denied the allegations made in the Statement of Claim. Respondent Mayflower asserted that the NASD is without jurisdiction over Respondent Mayflower as the Statement of Claim was filed after the date upon which Respondent Mayflower withdrew its membership in the NASD.

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

Unless specifically admitted in her Answer, Respondent Pace denied the allegations made in the Statement of Claim and asserted the following defenses: 1) Respondent Pace was never a control person during her employment with Respondent Mayflower; and 2) Respondent Brother was completely aware of the conduct required by Respondent Mayflower and the regulatory bodies as it pertained to working with customers.

RELIEF REQUESTED

Claimant requested in his Statement of Claim: 1) compensatory damages in the amount between \$500,000.00 and \$1,000,000.00; 2) return of the consideration paid for every unsuitable security, less any income received on said security; 3) punitive damages; 4) statutory interest at the rate of 8%; 5) costs; 6) attorneys' fees; and 7) such other relief the undersigned arbitrators (the "Panel") deemed just and proper.

Respondent Brothers requested dismissal of the Statement of Claim.

Respondent Pace did not delineate specific relief in her Statement of Answer.

OTHER ISSUES CONSIDERED AND DECIDED

Claimant named Stanley H. Van Etten ("Van Etten"), individually, as a respondent in the arbitration proceeding. On or about April 16, 2001, Respondent Van Etten asserted that

the NASD is without jurisdiction over Van Etten as the Statement of Claim was filed after the date upon which Van Etten terminated his registration with the NASD. Van Etten declined to submit to the jurisdiction of the NASD. On or about April 18, 2001, NASD Dispute Resolution, Inc. notified the parties and the Panel that absent an agreement to arbitrate or a court order mandating arbitration, Van Etten is not compelled to arbitrate. On or about May 17, 2001 and June 28, 2001, Van Etten notified NASD Dispute Resolution, Inc. that he declined to voluntarily submit to arbitration. Therefore, the Panel made no determination with respect to the claims asserted by Claimant against Van Etten.

On or about August 7, 2001, Claimant filed his motion to bar Respondents Brothers, Pace and Mayflower from presenting any matter, arguments, or defenses at the hearing, in accordance with Rule 10314 of the NASD Code of Arbitration Procedure (the "Code"). At the evidentiary hearing, the Panel denied the motion.

At the telephonic initial pre-hearing conference conducted on October 29, 2001, the parties jointly requested a change of venue from Atlanta, Georgia to Raleigh, North Carolina. The arbitration panel from Atlanta, Georgia granted the motion and withdrew.

At the evidentiary hearing, Claimant announced that he was not unfairly prejudiced by not having received Statements of Answer and Respondent Pace's summary of issues.

The parties agreed that the Award 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, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted by Claimant are denied.
2. Claimant's requests for punitive damages and attorneys' fees are denied.
3. Any and all relief not specifically addressed herein 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

= \$ 375.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated persons at the time of the events giving rise to the dispute. In this matter, Respondent Mayflower is a party.

Member surcharge = \$2,000.00

Pre-hearing process fee = \$ 600.00

Hearing process fee = \$3,500.00

Adjournment Fees

Adjournments requested during these proceedings:

There were no adjournments requested during these proceedings.

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 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 Panel x \$1,200.00 = \$1,200.00

Pre-hearing conference: October 29, 2001 1 session

Four (4) Hearing sessions x \$1,200.00 = \$4,800.00

Hearing Dates: January 9, 2002 2 sessions

January 10, 2002 2 sessions

Total Forum Fees = \$6,000.00

The Panel has assessed \$3,000.00 of the forum fees to Claimant.

The Panel has assessed \$3,000.00 of the forum fees to Respondent Mayflower.

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:

Claim Filing Fee

= \$ 375.00

Forum Fees	= \$3,000.00
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Total Fees	= \$3,375.00
Less payments	= \$1,575.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,800.00

Respondent Mayflower be and hereby is solely liable for:

Forum Fees	= \$3,000.00
Member Fees	= \$6,100.00
<hr/>	
Total Fees	= \$9,100.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$9,100.00

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

Zeb E. Barnhardt, Jr., Esq.
Dorothy C. Bernholz, JD
Christina Slaney Collison

Public Arbitrator, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Zeb E. Barnhardt, Jr., Esq.
Public Arbitrator, Presiding Chair

Signature Date

/s/
Dorothy C. Bernholz, JD
Public Arbitrator

Signature Date

/s/
Christina Slaney Collison
Non-Public Arbitrator

Signature Date

February 19, 2002

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

Forum Fees	= \$3,000.00
<hr/> Total Fees	= \$3,375.00
<u>Less payments</u>	= \$1,575.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,800.00

Respondent Mayflower be and hereby is solely liable for:

Forum Fees	= \$3,000.00
Member Fees	= \$6,100.00
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Zeb E. Barnhardt, Jr.

Zeb E. Barnhardt, Jr., Esq.
Public Arbitrator, Presiding Chair

Feb. 14, 2002

Signature Date

Dorothy C. Bernholz, JD
Dorothy C. Bernholz, JD
Public Arbitrator

Signature Date

Christina Slaney Collison
Christina Slaney Collison
Non-Public Arbitrator

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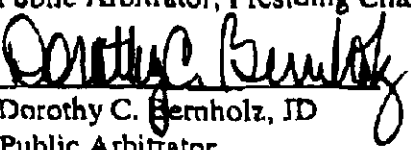
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Dorothy C. Bernholz, JD
Public Arbitrator

Signature Date

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Signature Date

Christina Slaney Collison
Non-Public Arbitrator

Signature Date

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Member Fees	= \$6,100.00
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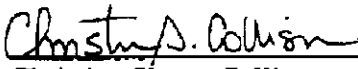
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Public Arbitrator, Presiding Chair

Signature Date

Dorothy C. Bernholz, JD
Public Arbitrator

Signature Date


Christina Slaney Collison
Non-Public Arbitrator

2/14/2002
Signature Date

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