

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Victor M. Preisler and Stacy A. Preisler, Claimants v. Benson York Group, Inc., Gregory E. Goldstein, Michael H. Caldera, Steven J. Cohen, and Bradford A. Miller, Respondents

Case Number: 01-02141

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimants:

Lawrence L. Klayman, Esq.
Klayman, Lazarus & Toskes, P.A.
Boca Raton, Florida

For Respondents Benson York Group, Inc.,
Michael H. Caldera, and Bradford A. Miller:

Michael H. Caldera
Benson York Group Inc.
Brooklyn, New York

For Respondents Gregory E. Goldstein and
Steven J. Cohen:

Martin P. Unger, Esq.
Certilman Balin
East Meadow, New York

CASE INFORMATION

Statement of Claim filed: April 26, 2001

Claimant Victor Preisler's Uniform Submission Agreement signed: February 26, 2001

Claimant Stacy Preisler's Uniform Submission Agreement signed: February 20, 2001

Joint Statement of Answer filed by Respondents Benson York Group, Inc., Michael H. Caldera, and Bradford A. Miller: August 16, 2001

Respondent Benson York Group, Inc.'s Uniform Submission Agreement signed: August 15, 2001

Respondent Michael H. Caldera's Uniform Submission Agreement signed: August 15, 2001

Respondent Bradford A. Miller's Uniform Submission Agreement signed: August 14, 2001

Joint Statement of Answer filed by Respondents Gregory E. Goldstein and Steven J. Cohen:
June 25, 2001

Respondent Gregory E. Goldstein's Uniform Submission Agreement signed: June 8, 2001

Respondent Steven J. Cohen's Uniform Submission Agreement signed: June 8, 2001

CASE SUMMARY

Claimants alleged breach of fiduciary and contractual duties, common law fraud, negligence and gross negligence, violation of Section 10(b) of the Securities Exchange Act of 1934 and the rules promulgated thereunder, violation of California securities laws, control person liability, churning, unsuitable recommendations, unauthorized trades, and violation of NASD Conduct Rules 2110, 2120, IM-2310-2, 2440, IM-2440, 3010 and IM-3310. The claims relate to the handling of the Claimants' account from in or about March 2000 through in or about September 2000.

Respondents denied the allegations of wrongdoing set forth in the Claimants' Statement of Claim and asserted affirmative defenses.

RELIEF REQUESTED

Claimants requested \$150,000.00 in compensatory damages, prejudgment interest, unspecified punitive damages, and costs of the arbitration, including attorneys' fees.

In their Joint Statement of Answer, Respondents Benson York Group, Inc., Michael H. Caldera, and Bradford A. Miller requested dismissal of the Claimants' Statement of Claim in its entirety, expungement of all reference to the above captioned arbitration from Respondents Benson York Group, Inc.'s, Michael H. Caldera's, and Bradford A. Miller's registration records maintained by NASD Central Registration Depository and costs including attorney's fees.

In their Joint Statement of Answer, Respondents Gregory E. Goldstein and Steven J. Cohen requested dismissal of the Claimants' Statement of Claim in its entirety and costs.

OTHER ISSUES CONSIDERED AND DECIDED

On January 16, 2003, Claimants dismissed with prejudice Respondents Benson York Group, Inc., Michael H. Caldera, and Bradford A. Miller pursuant to a confidential settlement agreement.

The parties agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Stipulated Award may be entered.

STIPULATION

1. Claimants' claims for relief are dismissed with prejudice.
2. Any and all claims for relief not specifically addressed herein, including Claimants' requests for punitive damages and attorney's fees, are denied.
3. Claimants and Respondents shall divide equally responsibility for all NASD forum fees, except Respondents Gregory E. Goldstein and Steven J. Cohen shall jointly bear any session fee cost associated with securing the expungement order from NASD Central Registration Depository records.

AWARD

After considering the pleadings and the parties' request for this Stipulated Award, the Panel decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants and Respondents Gregory E. Goldstein and Steven J. Cohen have entered into a confidential settlement agreement.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Gregory E. Goldstein's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09 and 99-54, Respondent Gregory E. Goldstein must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Steven J. Cohen's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09 and 99-54, Respondent Steven J. Cohen must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the Code of Arbitration Procedure ("the Code"), the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 300.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Benson York Group, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$ 2,500.00
Total Member Fees	= \$ 4,600.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

Two (2) Pre-hearing conference sessions with the Panel @ \$1,125.00/session	= \$ 2,250.00
Pre-hearing conference: April 11, 2002	1 session
January 16, 2003	1 session

Total Forum Fees	= \$ 2,250.00
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1. Per the parties' agreement, \$562.50 of the forum fees is assessed jointly and severally to Claimants Victor M. Preisler and Stacy A. Preisler.
2. Per the parties' agreement, \$562.50 of the forum fees is assessed jointly and severally to Respondents Benson York Group, Inc., Gregory E. Goldstein, Michael H. Caldera, Steven J. Cohen, and Bradford A. Miller.
3. The Panel waived the \$1,125.00 forum fee for the January 16, 2003 pre-hearing conference.

Administrative Costs

Administrative costs are expenses incurred because a party requested additional services beyond the normal administrative services. These additional services include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, security, and sundry other requests.

Claimants Victor M. Preisler and Stacy A. Preisler, requested copies
of Arbitrators' past awards: =\$ 70.00

Fee Summary

1. Claimants Victor M. Preisler and Stacy A. Preisler are charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 562.50
<u>Administrative Costs</u>	<u>= \$ 70.00</u>
Total Fees	= \$ 932.50
<u>Less payments</u>	<u>= \$(1,495.00)</u>
Balance Due Claimants Victor M. Preisler and Stacy A. Preisler	= \$ (562.50)

2. Respondent Benson York Group, Inc. is charged with the following fees and costs:

Member Fees	= \$ 4,600.00
<u>Less payments</u>	<u>= \$ (4,600.00)</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

4. Respondents Benson York Group, Inc., Gregory E. Goldstein, Michael H. Caldera, Steven J. Cohen, and Bradford A. Miller are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 562.50
Balance Due NASD Dispute Resolution	= \$ 562.50

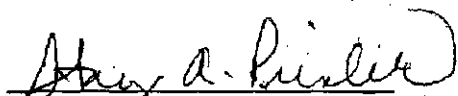
All balances are payable to NASD Dispute Resolution and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

Signatures of Stipulating Parties



Victor M. Preisler
Claimant

4/7/04
Signature Date



Stacy A. Preisler
Claimant

4/7/04
Signature Date

Gregory E. Goldstein
Respondent

Signature Date

Steven J. Cohen
Respondent

Signature Date

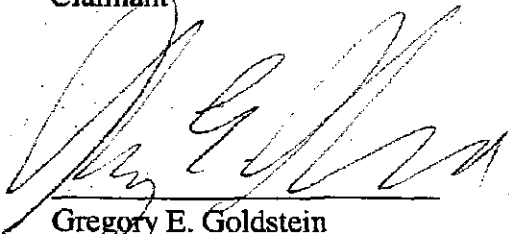
Signatures of Stipulating Parties

Victor M. Preisler
Claimant

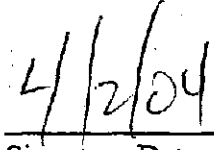
Signature Date

Stacy A. Preisler
Claimant

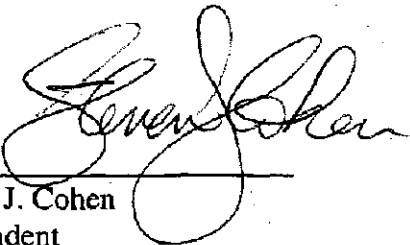
Signature Date



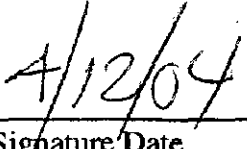
Gregory E. Goldstein
Respondent



Signature Date



Steven J. Cohen
Respondent



Signature Date

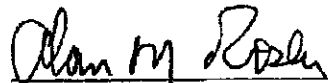
ARBITRATION PANEL

William J. Adams, Esq.	-	Public Presiding Chair
Alan M. Rosen	-	Public Arbitrator
Sam Y. Edgerton, III, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

William J. Adams, Esq.
Chair, Public Arbitrator

Signature Date



Alan M. Rosen
Public Arbitrator

7/9/04
Signature Date

Sam Y. Edgerton, III, Esq.
Non-Public Arbitrator

Signature Date

7/9/04
Date of Service

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Alan M. Rosen	-	Public Arbitrator
Sam Y. Edgerton, III, Esq.	-	Non-Public Arbitrator

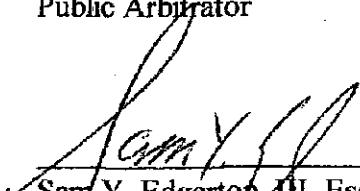
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William J. Adams, Esq.
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Signature Date

Alan M. Rosen
Public Arbitrator

Signature Date



Sam Y. Edgerton, III, Esq.
Non-Public Arbitrator


7/08/04
Signature Date

7/9/04
Date of Service

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Alan M. Rosen	-	Public Arbitrator
Sam Y. Edgerton, III, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


William J. Adams, Esq.
Chair, Public Arbitrator

7-20-04
Signature Date

Alan M. Rosen
Public Arbitrator

Signature Date

Sam Y. Edgerton, III, Esq.
Non-Public Arbitrator

Signature Date

Date of Service