

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Joseph L. Longhito (Claimant) vs. EBI Securities Corp., Global Capital Securities Corporation and Omar A. Baksh (Respondents)

Case Number: 01-02452

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant Joseph L. Longhito hereinafter referred to as "Claimant": Brian H. Reis, Esq., Brian Reis & Associates, New York, NY.

Respondents EBI Securities Corp. ("EBI"), Global Capital Securities Corporation ("Global") and Omar A. Baksh ("Baksh"), hereinafter collectively referred to as "Respondents": Jonathan C. Uretsky, Esq., Winget, Spadafora & Schwartzberg, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: May 8, 2001

Claimant signed the Uniform Submission Agreement: June 7, 2001

Joint Statement of Answer filed by Respondents on or about: December 28, 2001

Respondents did not sign the Uniform Submission Agreement.

Joint Amended Response to Statement of Claim filed by Respondents on or about: March 4, 2002

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty; misrepresentations; unauthorized trading; failure to supervise; excessive commissions; negligence; failure to execute an order to liquidate the account in a timely manner and unsuitability.

Claimant's claim involved various Mutual Funds, Priceline.com stock, Impco Tech stock and Looksmart stock.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$ 106,000.00
Interest	Unspecified
Attorneys' Fees	Unspecified

Respondents requested that the Statement of Claim be dismissed and other such relief that the Panel deems just and appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but are required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, are bound by the determination of the Panel 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 Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents are jointly and severally liable and shall pay to claimant \$40,000.00 as compensatory damages, plus interest at the rate of 4% per annum from January 19, 2001 until date of payment of the award.
2. 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 will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 300.00

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 person at the time of the events giving rise to the dispute. Accordingly, Global Capital Securities Corporation is a party.

Member surcharge = \$ 1,500.00
Pre-hearing process fee = \$ 600.00
Hearing process fee = \$ 2,500.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A 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 @ \$ 1,125.00 = \$ 1,125.00
Pre-hearing conference: October 31, 2002 1 session

Six (6) Hearing sessions @ \$ 1,125.00 = \$ 6,750.00
Hearing Dates: May 8, 2003 2 sessions
May 13, 2003 2 sessions
May 14, 2003 2 sessions

Total Forum Fees = \$ 7,875.00

1. The Panel has assessed \$ 1,968.75 of the forum fees against Claimant.
2. The Panel has assessed \$ 1,968.75 of the forum fees against EBI.
3. The Panel has assessed \$ 1,968.75 of the forum fees against Global.
4. The Panel has assessed \$ 1,968.75 of the forum fees against Baksh.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	= \$ 1,968.75
<u>Total Fees</u>	= \$ 2,268.75
<u>Less payments</u>	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 843.75
2. Respondent Baksh is solely liable for:

<u>Forum Fees</u>	= \$ 1,968.75
<u>Total Fees</u>	= \$ 1,968.75
<u>Less payments</u>	= \$.00
Balance Due NASD Dispute Resolution	= \$ 1,968.75

3. Respondent EBI is solely liable for:

<u>Forum Fees</u>	= \$ 1,968.75
<u>Total Fees</u>	= \$ 1,968.75
<u>Less payments</u>	= \$.00
Balance Due NASD Dispute Resolution	= \$ 1,968.75

4. Respondents Global is solely liable for:

<u>Member Fees</u>	= \$ 4,600.00
<u>Forum Fees</u>	= \$ 1,968.75
<u>Total Fees</u>	= \$ 6,568.75
<u>Less payments</u>	= \$ 1,500.00
Balance Due NASD Dispute Resolution	= \$ 5,068.75

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

ARBITRATION PANEL

Sheldon M. Finkelstein, Esq.	-	Public Arbitrator, Presiding Chairperson
Roger Brandwein	-	Public Arbitrator
Richard Berenger	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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 in which is my award.



Sheldon M. Finkelstein, Esq.
Public Arbitrator, Presiding Chairperson

May 30, 2003
Signature Date

Roger Brandwein
Public Arbitrator

Signature Date

Richard Berenger
Non-Public Arbitrator

Signature Date

June 23, 2003
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Sheldon M. Finkelstein, Esq.	-	Public Arbitrator, Presiding Chairperson
Roger Brandwein	-	Public Arbitrator
Richard Berenger	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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 in which is my award.

Sheldon M. Finkelstein, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Roger Brandwein

Roger Brandwein
Public Arbitrator

6/18/03

Signature Date

Richard Berenger
Non-Public Arbitrator

Signature Date

June 23, 2003
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Sheldon M. Finkelstein, Esq.	-	Public Arbitrator, Presiding Chairperson
Roger Brandwein	-	Public Arbitrator
Richard Berenger	-	Non-Public Arbitrator

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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 in which is my award.

Sheldon M. Finkelstein, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Roger Brandwein
Public Arbitrator

Signature Date

Richard Berenger
Richard Berenger
Non-Public Arbitrator

6-19-03
Signature Date

June 23, 2003
Date of Service (For NASD Dispute Resolution use only)