

**Award
NASD**

In the Matter of the Arbitration Between:

Name of the Claimant
Marvin McCray

Case Number: 01-02471

Names of the Respondents
Michael J. Artusa
RM Stark & Co., Inc.

Hearing Site: New Orleans, LA

REPRESENTATION OF PARTIES

Marvin McCray ("McCray"), hereinafter referred to as "Claimant", appeared pro se.

For Michael J. Artusa ("Artusa") and RM Stark & Co., Inc. ("RMS"), hereinafter collectively referred to as "Respondents": Ellen R.P. Adler, JD, RMS, Delray Beach, FL.

CASE INFORMATION

Statement of Claim filed on or about: May 10, 2001.

Claimant signed the Uniform Submission Agreement: May 8, 2001.

Statement of Answer filed by Respondents on or about: November 19, 2001.

Respondent Artusa signed the Uniform Submission Agreement: December 6, 2001.

Respondent RMS signed the Uniform Submission Agreement: November 19, 2001.

CASE SUMMARY

Claimant asserted the cause of action of unauthorized trading. The cause of action relates to the purchase and sale of unspecified securities products in Claimant's account.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses including: failure to state a claim against the Respondents; unclean hands; and, estoppel.

RELIEF REQUESTED

Claimant requested compensatory damages of \$52,000.00, attorneys' fees, costs, punitive damages, and other case related costs.

Respondents requested dismissal of the Statement of Claim, costs, attorneys' fees, and such other and further relief as the undersigned arbitrators (the "Panel") deemed proper.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies.

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:

Claimant's Statement of Claim is dismissed, with prejudice.

Any and all relief not specifically addressed herein, including Claimant's request for punitive damages and Claimant's and Respondents' respective requests for attorneys' fees, is denied.

FEES

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

Filing Fees

NASD will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= filing fee waived by the Panel
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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	= \$1,000.00
Pre-hearing process fee	= \$600.00
Hearing process fee	= \$1,500.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournment were granted in this matter.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred in this matter.

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A 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:

One (1) Pre-hearing session with Panel @ \$750.00 = \$750.00
Pre-hearing conference: April 2, 2002 1 session

Two (2) Hearing sessions @ \$750.00 = \$1,500.00
Hearing Date: July 29, 2002 2 sessions

Total Forum Fees = \$2,250.00

The Panel has assessed \$1,125.00 of the forum fees to Claimant.

The Panel has assessed \$1,125.00 of the forum fees jointly and severally to Respondents Artusa and RMS.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred in this matter.

FEE SUMMARY

Claimant is solely liable for:

Forum Fees = \$1,125.00

Total Fees = \$1,125.00

Less payments = \$0.00

Balance Due NASD = \$1,125.00

Respondent RMS is solely liable for:

Member Fees = \$3,100.00

Total Fees = \$3,100.00

Less payments = \$3,100.00

Balance Due NASD = \$0.00

Respondents Artusa and RMS are jointly and severally liable for:

Forum Fees = \$1,125.00

Total Fees	= \$1,125.00
Less payments	= \$497.00
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Balance Due NASD	= \$628.00

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

ARBITRATION PANEL

Simeon B. Reimonenq, Jr., Esq.	-	Public Arbitrator, Presiding Chair
Bobby M. Harges, J.D.	-	Public Arbitrator
Earl S. Eichin, Jr., Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

Simeon B. Reimonenq, Jr., Esq.
Public Arbitrator, Presiding Chair

Signature Date

/s/

Bobby M. Harges, J.D.
Public Arbitrator

Signature Date

/s/

Earl S. Eichin, Jr., Esq.
Non-Public Arbitrator

Signature Date

September 3, 2002

Date of Service (For NASD office use only)

Respondents Artusa and RMS are jointly and severally liable for:

Forum Fees = \$1,125.00

Total Fees = \$1,125.00

Less payments = \$497.00

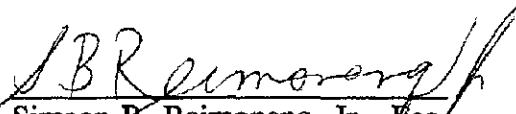
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Earl S. Eichin, Jr., Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Simeon B. Reimonenq, Jr., Esq.
Public Arbitrator, Presiding Chair

8/22/2002
Signature Date

Bobby M. Harges, J.D.
Public Arbitrator

Signature Date

Earl S. Eichin, Jr., Esq.
Non-Public Arbitrator

Signature Date

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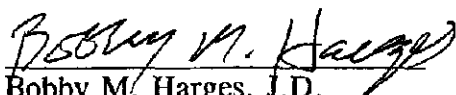
ARBITRATION PANEL

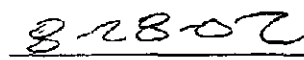
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Signature Date


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Public Arbitrator



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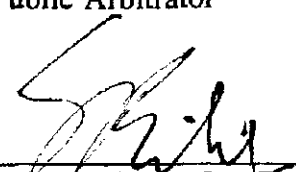
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Public Arbitrator, Presiding Chair

Signature Date

Bobby M. Harges, J.D.
Public Arbitrator

Signature Date


Earl S. Eichin, Jr., Esq.
Non-Public Arbitrator

8/30/02
Signature Date

Date of Service (For NASD office use only)