

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

Garrick A. Peters and Loren S. Peters, Claimants v. Equity Trust Advisors, Inc., Marc J. Riviello and Henry D. Davidson, Respondents

Case Number: 01-02839

Hearing Site: Los Angeles, California

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**REPRESENTATION OF PARTIES**

For Claimants Garrick A. Peters and Loren S. Peters:

Irving M. Einhorn, Esq.  
Law Offices of Irving M. Einhorn  
Los Angeles, California

For Respondent Equity Trust Advisors, Inc.:

Marc J. Riviello  
President and CEO  
Las Vegas, Nevada

For Respondent Marc J. Riviello:

Marc J. Riviello  
In Propria Persona  
Las Vegas, Nevada

For Respondent Henry D. Davidson:

Henry D. Davidson  
In Propria Persona  
Newport Beach, California

**CASE INFORMATION**

Statement of Claim filed: May 25, 2001

Claimants' Joint Uniform Submission Agreement signed: May 16, 2001

**CASE SUMMARY**

Claimants alleged breach of contract and violation of California Labor Code Section 203.

Respondents did not file a Statement of Answer.

### **RELIEF REQUESTED**

Claimants requested \$13,817.61 in compensatory damages, \$13,817.61 as a penalty pursuant to California Labor Code Section 203, interest, and reimbursement of costs, including attorney's fees.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Respondents Equity Trust Advisors, Inc., Marc J. Riviello and Henry D. Davidson did not file with the NASD Dispute Resolution, Inc. a properly executed submission agreement 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 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, testimony, and evidence presented at the hearing, the Arbitrator decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondents Equity Trust Advisors, Inc., Marc J. Riviello and Henry D. Davidson are jointly and severally liable to and shall pay Claimant Garrick A. Peters \$8,428.48.
- 2) Respondents Equity Trust Advisors, Inc., Marc J. Riviello and Henry D. Davidson are jointly and severally liable to and shall pay Claimant Loren S. Peters \$1,329.06.
- 3) Respondents Equity Trust Advisors, Inc. and Marc J. Riviello are jointly and severally liable to and shall reimburse Claimant Garrick A. Peters \$6,271.00 in attorney's fees pursuant to contract dated May 25, 2000 between the parties.
- 4) All other relief requested and not expressly granted is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

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

Initial claim filing fee	= \$ 150.00
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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 Equity Trust Advisors, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 600.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$1,000.00
<b>Total Member Fees</b>	<b>= \$2,200.00</b>

#### **Forum Fees and Assessments**

The Arbitrator 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 Arbitrator. The following fees are assessed:

One (1) Pre-hearing conference session with the arbitrator @ \$450/session	= \$ 450.00
Pre-hearing conference: February 15, 2002 1 session	

One (1) Hearing session @ \$450/session	= \$ 450.00
Hearing: April 12, 2002 1 session	

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<b>Total Forum Fees</b>	<b>= \$ 900.00</b>
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The Arbitrator assessed \$900.00 of the forum fees jointly and severally to Respondents Equity Trust Advisors, Inc., Marc J. Riviello and Henry D. Davidson.

**Fee Summary**

1. Claimants Garrick A. Peters and Loren S. Peters are charged jointly and severally with the following fees and costs:

Initial Filing Fee	= \$ 150.00
<u>Less payments</u>	<u>= \$( 750.00)</u>
<b>Refund Due Garrick A. Peters and Loren S. Peters</b>	<b>= \$( 600.00)</b>

2. Respondent, Equity Trust Advisors, Inc., is charged with the following fees and costs:

Member Fees	= \$2,200.00
<u>Less payments</u>	<u>= \$( 0.00)</u>
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$2,200.00</b>

3. Respondents, Equity Trust Advisors, Inc., Marc J. Riviello and Henry D. Davidson, are charged jointly and severally with the following fees and costs:

<u>Forum Fees</u>	<u>= \$ 900.00</u>
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 900.00</b>

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

NASD Dispute Resolution, Inc.  
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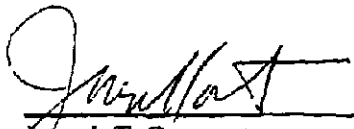
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**ARBITRATOR**

*Joseph T. Donnantuoni*

*Non-Public Arbitrator*

**Arbitrator's Signature**

  
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Joseph T. Donnantuoni  
Non-Public Arbitrator

*5/6/02*  
\_\_\_\_\_  
Signature Date

*May-6-02*  
\_\_\_\_\_  
Date of Service