

Amended Award NASD

In the Matter of the Arbitration Between:

Sterling Financial Investment Group, Inc. Claimant

v.

International Capital Growth, LLC.

Fred Gonzalez, and

Louis Nolfo, Respondents

Case Number: 01-04286

Hearing Site: Boca Raton, Florida

REPRESENTATION OF PARTIES

For Claimant Sterling Financial Investment Group, Inc. (hereinafter "Claimant" or "Sterling"): Curtis Carlson, Esq., Miami, FL.

For Respondents International Capital Growth, LLC (hereinafter "Respondent ICG") and Louis Nolfo (hereinafter "Respondent Nolfo"): Howard Feinmel, Esq., International Capital Growth, Boca Raton, FL. until on or about November 7, 2001. On or about November 21, 2001, Marc L. Abramson, Esq., International Capital Growth, LLC, Boca Raton, FL. and Stephen A. Mendelsohn, Esq. Rutherford, Mulhall & Wargo, P.A. Boca Raton, FL. appeared as substitute counsel for Respondents ICG and Nolfo.

For Respondent Fred Gonzalez (hereinafter "Respondent Gonzalez"): Howard Feinmel, Esq., International Capital Growth, LLC, Boca Raton, FL. until on or about November 7, 2001. Thereafter, Respondent Gonzalez failed to appear.

CASE INFORMATION

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

Claimant's Uniform Submission Agreement signed: August 6, 2001.

Statement of Answer and Motion for Summary Judgment filed by Respondents on or about: October 10, 2001.

Respondent ICG's Uniform Submission Agreement signed: October 9, 2001.

Respondent Nolfo's Uniform Submission Agreement signed: October 9, 2001.

Respondent Gonzalez's Uniform Submission Agreement signed: October 10, 2001.

Respondent ICG's Request for Fee Reduction submitted: July 15, 2002.

CASE SUMMARY

Claimant alleged violations of its employment agreements by Respondents Nolfo and Gonzalez and violation of just and equitable principles of trade and intentional interference with the contractual relationship between Claimant and its employees by Respondent ICG.

Respondents denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim and asserted a Motion for Summary Judgment based upon Claimant's failure to state a cause of action. Respondents also asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages, punitive damages, and costs in an amount not to exceed \$250,000.00. Further, at the evidentiary hearing, Claimant requested that the arbitrators render a determination that it is entitled to its costs and attorney's fees.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety and that Claimant be ordered to pay their attorney's fees and costs.

OTHER ISSUES CONSIDERED AND DECIDED

At the evidentiary hearing, the Arbitration Panel denied Respondents' Motion for Summary Judgment.

Respondent Gonzalez did not appear at the evidentiary hearing. Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned Panel determined that Respondent Gonzalez was properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

On or about July 15, 2002, Respondent ICG requested that the forum fees assessed by the Panel be reduced to reflect the actual time of the hearing session conducted on April 29, 2002. On or about August 7, 2002, the Panel issued an order which granted Respondent ICG's request.

The parties present at the hearing 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 Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent Gonzalez is liable and shall pay to Claimant compensatory damages in the amount of \$5,000.00 plus interest, calculated at the published Florida legal rate as of April 29, 2002, for the period from June 22, 2001 to April 29, 2002.
- 2) Respondent Nolfo is liable and shall pay to Claimant compensatory damages in the amount of \$3,322.00 plus interest, calculated at the published Florida legal rate as of April 29, 2002, for the period from June 22, 2001 to April 29, 2002.
- 3) The basis for the award is the breach of the promissory notes executed by Respondents Gonzalez and Nolfo.
- 4) Respondent ICG is liable and shall pay to Claimant its costs and attorney's fees in an amount to be determined by a court of competent jurisdiction.
- 5) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$1,000.00
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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, member firms Sterling Financial Investment Group and International Capital Growth LLC are parties and the following fees are assessed to each:

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

Adjournment Fees

The following adjournment fees are assessed:

There were no adjournments requested.

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:

(1) Pre-hearing conference session with the Panel @ \$1,125.00/session	= \$1,125.00
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Pre-hearing conference: January 10, 2002 1 session

(1) Pre-hearing conference session with a single arbitrator @ \$ 450.00/session = \$ 450.00

Pre-hearing conference: April 19, 2002 1 session

(1) Hearing session @ \$1,125.00/session = \$1,125.00

Hearings: April 29, 2002 1 session

Total Forum Fees = \$2,700.00

The Panel assessed the total forum fees of \$2,700.00 to Respondent ICG.

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.

There were no administrative costs incurred in this matter.

Fee Summary

1. Claimant Sterling is charged with the following fees and costs:

Initial Filing Fee	= \$ 1,000.00
<u>Member Fees</u>	<u>= \$ 4,600.00</u>
Total Fees	= \$ 5,600.00
<u>Less payments</u>	<u>= \$(5,600.00)</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

2. Respondent ICG is charged with the following fees and costs:

Member Fees	= \$ 4,600.00
<u>Forum Fees</u>	<u>= \$ 2,700.00</u>
Total Fees	= \$ 7,300.00
<u>Less payments</u>	<u>= \$(2,607.00)</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 4,693.00

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

ARBITRATION PANEL

Non-Public Arbitrator

Concurring Arbitrators' Signatures

Chair, Non-Public Arbitrator

Signature Date

Non-Public Arbitrator

Signature Date

Non-Public Arbitrator

Signature Date

December 3, 2002

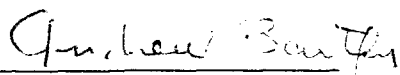
Date of Service

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ARBITRATION PANEL

<i>Andrew Bartfay</i>	-	<i>Non-Public Arbitrator, Presiding Chair</i>
<i>David W. Newman</i>	-	<i>Non-Public Arbitrator</i>
<i>John C. Newsom</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures



Andrew Bartfay
Chair, Non-Public Arbitrator

11 - 26 - 02
Signature Date

David W. Newman
Non-Public Arbitrator

Signature Date

John C. Newsom
Non-Public Arbitrator

Signature Date

Date of Service

ARBITRATION PANEL

<i>Andrew Bartfay</i>	-	<i>Non-Public Arbitrator, Presiding Chair</i>
<i>David W. Newman</i>	-	<i>Non-Public Arbitrator</i>
<i>John C. Newsom</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Andrew Bartfay
Chair, Non-Public Arbitrator

Signature Date



David W. Newman
Non-Public Arbitrator

11/27/02

Signature Date

John C. Newsom
Non-Public Arbitrator

Signature Date

Date of Service

ARBITRATION PANEL

<i>Andrew Bartfay</i>	-	<i>Non-Public Arbitrator, Presiding Chair</i>
<i>David W. Newman</i>	-	<i>Non-Public Arbitrator</i>
<i>John C. Newsom</i>	-	<i>Non-Public Arbitrator</i>

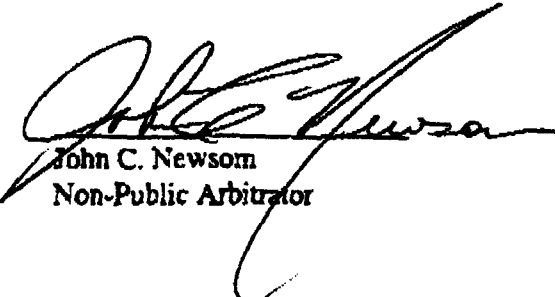
Concurring Arbitrators' Signatures

Andrew Bartfay
Chair, Non-Public Arbitrator

Signature Date

David W. Newman
Non-Public Arbitrator

Signature Date


John C. Newsom
Non-Public Arbitrator

Nov 22, 2012

Signature Date

Date of Service