

**STIPULATED AWARD
NASD Dispute Resolution**

In the Matter of the Arbitration Between

Name of Claimant

Joseph Muscat

And

Case Number: 02-04942
Hearing Site: Detroit, Michigan

Names of Respondents

Securities America, Inc., Linsco/Private
Ledger Corp., Osman R. Minkara, Continental
Capital Investment Services f/k/a Sky Investments,
Capital Investment Group, LLC, Michael Hycki,
and Derek A. Ross

NATURE OF DISPUTE

Customer v. Members, Terminated Member, Non-Member and Associated Persons

REPRESENTATION OF PARTIES

Joseph Muscat ("Claimant") was represented by Stuart Sinai, Esq, Kemp, Klein, Umphrey, Endelman & May, P.C., Troy, Michigan.

Linsco/Private Ledger Corp. ("LPL"), Capital Investment Group, LLC ("CIG"), Osman Minkara ("Minkara") and Continental Capital Investment Services f/k/a Sky Investments ("CCIS") were represented by Gary M. Saretsky, Esq., Hertz, Schram & Saretsky, P.C., Bloomfield Hills, Michigan.

Securities America, Inc. ("SAI") was represented by Julie Chenot Mayer, Esq., Maddin Hauser, Wartell, Roth & Heller, Southfield, Michigan.

Michael Hycki ("Hycki") and Derek A. Ross ("Ross") were represented by Bruce A. Truex, Esq., Secrest, Wardle, Lynch, Hampton Truex and Morley, Farmington Hills, Michigan

CASE INFORMATION

The Statement of Claim was filed on or about August 22, 2002. The Submission Agreement of Claimant was signed on or about July 17, 2002.

The Statement of Answer was filed jointly by LPL, CIG, Minkara and CCIS on or about December 17, 2002. The Submission agreement of LPL was signed on or about April 22, 2003. The Submission Agreement of CIG was signed on or about April 15, 2003. The Submission Agreement of Minkara was signed on or about April 15, 2003.

The Statement of Answer was filed by SAI on or about October 30, 2002. The Submission Agreement of SAI was filed on or about October 10, 2002.

The Statement of Answer was filed jointly by Hycki and Ross on or about November 5, 2002. The Submission Agreement of Hycki was signed on or about November 1, 2002. The Submission Agreement of Ross was signed on or about November 1, 2002.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty, misrepresentations, omissions and common law fraud, breach of implied contract, promissory estoppel, respondeat superior, failure to supervise, conspiracy, breach of Michigan's Uniform Securities Act, negligence, malpractice, violation of NASD and NYSE Rules, and violation of Michigan Consumers Protection Act. The causes of action related to Claimant's allegations that Respondents recommended and sold him mutual funds which were unsuitable for him.

Unless specifically admitted in their Answer, LPL, CIG, and Minkara denied the allegations made in the Statement of Claim and asserted legal and factual defenses to the claims.

Unless specifically admitted in their Answer, SAI denied the allegations made in the Statement of Claim and asserted legal and factual defenses to the claims.

Unless specifically admitted in their Answer, Hycki & Ross denied the allegations made in the Statement of Claim and asserted legal and factual defenses to the claims.

RELIEF REQUESTED

Claimant requested:

Compensatory damages	\$ in excess of \$200,000
Punitive Damages	\$ unspecified
Interest	\$ unspecified
Attorneys' Fees	\$ unspecified
Other Costs	\$ unspecified
Other Monetary/Non-Monetary Relief:	\$ unspecified

LPL, CIG, and Minkara requested that the claims asserted against them be denied in their entirety and that they be awarded their costs and attorneys' fees.

SAI requested that the claims asserted against them be denied in their entirety and that they be awarded their costs and attorneys' fees.

Hycki & Ross requested that the claims asserted against them be denied in their entirety and that they be awarded their costs and attorneys' fees.

OTHER ISSUES CONSIDERED & DECIDED

Continental Capital Investment Services ("CCIS") filed for bankruptcy on or about October 7, 2003, and arbitration of the claims against it is subject to an automatic stay. The Panel did not adjudicate any claims against Respondent CCIS.

Claimant, Minkara and CIG are the only parties submitting this Stipulated Award for the panel's consideration and they request that it be entered. The panel has been informed that the parties have agreed to resolve this matter. However, Claimant, Minkara and CIG jointly ask the panel to make a specific finding that there were no sales practice violations or wrongdoing or other liability attributable to Minkara and CIG and enter an award recommending the expungement of all reference to the above-captioned arbitration from all registration records of Respondents Minkara and CIG maintained the NASD Central Registration Depository ("CRD"), with the understanding that, pursuant to NASD Notice to Members 99-90, Respondents must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.

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. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with NASD Dispute Resolution ("NASD").

AWARD

After considering the parties' submissions and representations, but without making any findings of fact or conclusions of law, the undersigned arbitrators order as follows:

- 1.) Claimant's claims, having been withdrawn, are dismissed with prejudice;
- 2.) Other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter;
- 3.) The panel finds no sales practice violations or any other wrongdoing by Respondents Minkara and CIG and recommends the expungement of all reference to the above captioned arbitration from Respondent Osman Minkara's and Capital Investment Group, LLC's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondents Minkara and CIG must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive; and
- 4.) Any relief not specifically enumerated, including punitive damages and attorney fees, is hereby denied with prejudice.

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 persons at the time of the events giving rise to the dispute. In this matter, the member firms are Linsco/Private Ledger Corp., Securities America, Inc., and Capital Investment Group, LLC

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,750.00

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing 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 x \$1,125.00	= \$1,125.00
Pre-hearing conference: May 13, 2003 1 session	
Total Forum Fees	= \$ 1,125.00

Pursuant to NASD Code of Arbitration Procedure Rule 10332(f), Joseph Muscat's Hearing Session Deposit of \$1,125.00 is retained by NASD as forum fees.

The Arbitration Panel has assessed \$562.50 of the forum fees jointly and severally to Linsco/Private Ledger Corp., Capital Investment Group, LLC, Osman Mlnkara, Securities America, Inc., Michael Hycki and Derek A. Ross

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

Hycki and Ross were assessed copying costs jointly and severally = \$ 7.50

FEE SUMMARY

Claimant, Joseph Muscat, is liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,425.00
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent, Linsco/Private Ledger Corp., is liable for:

Member Fees	= \$ 5,200.00
Total Fees	= \$ 5,200.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent, Securities America, Inc. is liable for:

Member Fees	= \$ 5,200.00
Total Fees	= \$ 5,200.00
Less payments	= \$ 5,293.75
Balance Refunded by NASD Dispute Resolution	= \$ 93.75

Respondent, CCIS., is liable for:

Member Fees	= \$ 2,450.00
Total Fees	= \$ 2,450.00
Less payments	= \$ 3,012.50
Balance refunded by NASD Dispute Resolution	= \$ 562.50

Respondents, Linsco/Private Ledger Corp., Capital Investment Group, LLC Osman Minkara Securities America, Inc. Michael Hycki and Derek A. Ross, are jointly and severally liable for:

Forum Fees	= \$ 562.50
Total Fees	= \$ 562.50
Less payments	= \$ 562.50
Balance Refunded by NASD Dispute Resolution	= \$ 0.00

Respondents, Michael Hycki and Derek A. Ross, are jointly and severally liable for:

Administrative Costs	= \$ 7.50
Total Fees	= \$ 1,125.50
Less payments	= \$ 1,140.00
Balance Refunded by NASD Dispute Resolution	= \$ 1,132.50

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

ARBITRATION PANEL

Martin Brosnan, Esq. - Public Arbitrator, Presiding Chair
Veronique Liem, Esq. - Public Arbitrator
Nancy Papo - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Martin Brosnan, Esq.
Martin Brosnan, Esq.
Public Arbitrator, Presiding Chair

08/11/06
Signature Date

/s/ Veronique Liem, Esq.
Veronique Liem, Esq.
Public Arbitrator

08/11/06
Signature Date

/s/ Nancy Papo
Nancy Papo
Non-Public Arbitrator


08/11/06
Signature Date

08/11/06
Date of Service (For NASD office use only)

ARBITRATION PANEL

Martin Brosnan, Esq. - Public Arbitrator, Presiding Chair
Veronique Liem, Esq. - Public Arbitrator
Nancy Papo - Non-Public Arbitrator

Concurring Arbitrators:



Martin Brosnan, Esq.
Public Arbitrator, Presiding Chair

8/11/2006

Signature Date

Veronique Liem, Esq.
Public Arbitrator

Signature Date

Nancy Papo
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

ARBITRATION PANEL

Martin Brosnan, Esq. - Public Arbitrator, Presiding Chair
Veronique Liem, Esq. - Public Arbitrator
Nancy Papo - Non-Public Arbitrator

Concurring Arbitrators:

Martin Brosnan, Esq.
Public Arbitrator, Presiding Chair



Veronique Liem, Esq.
Public Arbitrator

Nancy Papo
Non-Public Arbitrator

Signature Date



Signature Date

Signature Date

Date of Service (For NASD office use only)

ARBITRATION PANEL

Martin Brosnan, Esq. - Public Arbitrator, Presiding Chair
Veronique Liem, Esq. - Public Arbitrator
Nancy Papo - Non-Public Arbitrator

Concurring Arbitrators:

Martin Brosnan, Esq.
Public Arbitrator, Presiding Chair

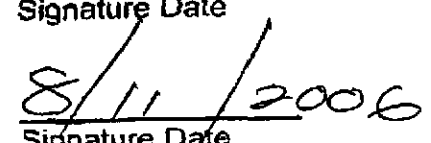
Signature Date

Veronique Liem, Esq.
Public Arbitrator

Signature Date



Nancy Papo
Non-Public Arbitrator



Signature Date

Date of Service (For NASD office use only)