

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 02-06245

Pioneer Services/Pioneer Portfolio Corp., claimant vs. Patricia Masel, respondent.

ATTORNEYS:

Claimant appeared pro se through its President, Roy S. Kirton, Copiague, NY.

For Respondent previously appeared George Goldman, of the firm Goldman Fischer Development Co. LLC, Northport, NY. Respondent is currently represented by Edward J. Tuscano, Esq., of the firm Tuscano & Associates PC, Huntington, NY.

DATE FILED: October 18, 2002

CASE SUMMARY: Claimant alleged that respondent failed to repay monies owed as a result of a lawsuit that claimant agreed to settle for respondent as long as she agreed to repay legal fees and the cost of the settlement. Claimant maintained that because of respondent's actions, the firm suffered a loss.

ARBITRATOR'S REPORT: My finding is for the claimant. The reason for my not awarding the full amount of what was asked for was due to what was filed on the U-5, with the termination date of 9/6/00. Under disclosure question 18, the answers are all negative where it asks if there are any complaints of \$10,000 or more. Even though it hadn't been settled, the amount that Ms. Masel was terminated for was higher than that, and it should have been done so, especially when question 19 gives the opportunity to report additional information. As I am finding against respondent, it should therefore not be expunged, as she requested.

Claim Data

Claim: \$16,174.71
Filing Fees: \$1,050.00

Award Data

Award: \$9,999.99
Filing Fees: \$1,050.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$9,999.99. 2) All other relief requests are denied. 3) The \$1,050.00 filing fee previously deposited with NASD Dispute Resolution by the claimant, shall be retained by NASD Dispute Resolution. 4) Respondent is liable and shall pay claimant \$1,050.00 as reimbursement of the filing fee. 5) Respondent, Patricia Masel's request for expungement from her Central Registration Depository ("CRD") record is denied.

OTHER FEES: Pursuant to Rule 10333 of the Code, claimant has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Brian R. Cohen

Sole Non-Public Arbitrator

AFFIRMATION

I, Brian R. Cohen, 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 which is my award.



Brian R. Cohen



Signature Date

August 13, 2003

Date of Service (For NASD-DR office use only)