

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Jerome Fine and Jerome Fine IRA (Claimants) v. Patricia Wolff Schaen and Wolff Investment Group, Inc. (Respondents)

Case Number: 02-06691

Hearing Site: New York, New York

Nature of the Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

Claimants Jerome Fine ("Fine") and Jerome Fine IRA ("Fine IRA") hereinafter collectively referred to as "Claimants" appeared *pro se*.

Respondents Patricia Wolff Schaen ("Schaen") and Wolff Investment Group, Inc. ("Wolff") hereinafter collectively referred to as "Respondents": Patricia Wolff Schaen, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: November 4, 2002.

Claimants signed the Uniform Submission Agreement: November 4, 2002.

Joint Statement of Answer filed by Respondents on or about: March 6, 2003.

Schaen signed the Uniform Submission Agreement: March 24, 2003.

Wolff signed the Uniform Submission Agreement: March 24, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: churning; misrepresentation; and negligence. Claimants' claim involved common stock and warrants.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$400,000.00 and punitive damages in the amount of \$800,000.00.

Respondents requested costs and expenses.

OTHER ISSUES CONSIDERED AND DECIDED

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.

AWARD

After considering the pleadings, and the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents are jointly and severally liable for and shall pay to Claimants compensatory damages in the amount of \$88,793.00, plus interest at a rate of 9% per annum beginning to accrue thirty (30) days after the award is received by the parties through the date of payment of the award.
2. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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	= \$500.00
--------------------------	------------

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, Wolff Investment Group, Inc. is a party.

Member surcharge	= \$2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,000.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel @ \$1,200.00	= \$1,200.00
Pre-hearing conference: September 4, 2003 1 session	

Four (4) Hearing sessions @ \$1,200.00	= \$4,800.00
Hearing Dates: January 6, 2004	2 sessions
January 8, 2004	2 sessions
<hr/>	
Total Forum Fees	= \$6,000.00

1. The Panel has assessed \$6,000.00 of the forum fees jointly and severally against Respondents.

Fee Summary

1. Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 500.00
<u>Total Fees</u>	= \$ 500.00
<u>Less payments</u>	= \$1,700.00
<u>Refund Due</u>	= \$1,200.00

2. Wolff is solely liable for:

<u>Member Fees</u>	= \$8,550.00
<u>Total Fees</u>	= \$8,550.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$8,550.00

3. Respondents are jointly and severally liable for:

<u>Forum Fees</u>	= \$6,000.00
<u>Total Fees</u>	= \$6,000.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$6,000.00

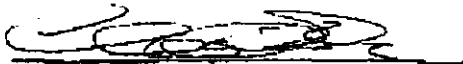
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Christine M. Bae, Esq.	-	Public Arbitrator, Presiding Chair
Lori H. Carena, Esq.	-	Public Arbitrator
Peter M. Pfau	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, 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.



Christine M. Bae, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Lori H. Carena, Esq.
Public Arbitrator

Signature Date

Peter M. Pfau
Non-Public Arbitrator

Signature Date

January 20, 2004
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Christine M. Bae, Esq.	-	Public Arbitrator, Presiding Chair
Lori H. Carena, Esq.	-	Public Arbitrator
Peter M. Pfau	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, 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.

Christine M. Bae, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Lori H. Carena

Lori H. Carena, Esq.

Public Arbitrator

Signature Date

Peter M. Pfau
Non-Public Arbitrator

Signature Date

January 20, 2004
Date of Service (For NASD Dispute Resolution use only)

NASD Dispute Resolution
Arbitration No. 02-06691
Award Page 4 of 4

ARBITRATION PANEL

Christine M. Bae, Esq.	-	Public Arbitrator, Presiding Chair
Lori H. Carena, Esq.	-	Public Arbitrator
Peter M. Pfau	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


I, the undersigned arbitrator, 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.

Christine M. Bae, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Lori H. Carena, Esq.
Public Arbitrator

Signature Date



Peter M. Pfau
Non-Public Arbitrator



Signature Date

Date of Service (For NASD Dispute Resolution use only)