

AWARD
NASD DISPUTE RESOLUTION

In the Matter of the Arbitration Between:

Claimant J.J.B. Hillard, W.L. Lyons, Inc. vs. Respondent Mark Considine

Case Number: 02-07754

SITUS: Richmond, Virginia.

NATURE OF DISPUTE: Member v. Associated Person

REPRESENTATION OF PARTIES:

Claimant J.J.B. Hillard, W.L. Lyons, Inc., hereinafter referred to as "Claimant" was represented by Matthew J. Morelli, Esq., Ulmer & Berne, LLP, Cleveland, Ohio.

Respondent did not enter an appearance in this matter.

DATE FILED: December 23, 2002.

CASE SUMMARY: Claimant alleged Respondent breached two Loan Agreements he had entered into with Claimant.

<u>Claim Data</u>		<u>Award Data</u>	
Claim:	\$163,265.38	Award:	\$163,265.38
Attorney's Fees:	amount unspecified	Attorney's Fees:	\$ 0.00
Costs:	amount unspecified	Costs:	\$ 0.00
Interest:	amount unspecified	Interest:	10% per annum from the date this award is served until paid in full

OTHER ISSUES: By Motion for Default dated March 4, 2004, Claimant opted to proceed against Respondent Considine pursuant to Rule 10314(e) of the *NASD Code of Arbitration Procedure* ("Code"). The arbitrator determined that Respondent Considine was properly served notice of the Statement of Claim and Notification of the Arbitrator, and that Respondent Considine is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

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 Claimant \$163,265.38.00, plus simple interest at a rate of 10% per annum from the date this

Award is served until payment in full. 2) All requests for attorney's fees and costs are denied.
3) All other relief requests are denied.

FEES:

Filing Fees

The \$1,000.00 filing fee previously deposited with NASD Dispute Resolution by Claimant shall be retained by NASD Dispute Resolution.

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Claimant J.J.B. Hillard, W.L. Lyons, Inc. is a party.

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

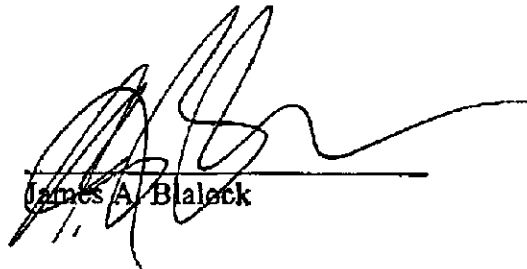
Forum Fees

The arbitrator assessed all forum fees in the amount of \$1,425.00 against Respondent Considine.

ARBITRATOR:

James A. Blalock

Sole Non-Public Arbitrator



James A. Blalock

March 15, 2004
(Signature Date)

March 16, 2004
Date of Service (For NASD Dispute Resolution office use only)