

AWARD
NASD Dispute Resolution

In the Matter of the Arbitration Between

Claimants

Frederick J. Shaheen and Joann P.
Shaheen

and

Case Number: 02-07796
Hearing Site: Detroit, Michigan

Respondents

Robert Dekker, Metro Financial Group, Inc.,
Questar Capital Corp., and
Mutual Service Corp.

NATURE OF DISPUTE

Customer v. Associated Person, Non-Member and Members

REPRESENTATION OF PARTIES

Frederick J. Shaheen and Joann P. Shaheen ("Claimants") were represented by Jack J. Mazzara, Esq., The Mazzara Law Firm, PLLC, Troy, Michigan.

Robert Dekker ("Dekker") and Metro Financial Group, Inc. ("Metro") were represented by Dennis K. Egan, Esq., Butzel Long, P.C., Bloomfield Hills, Michigan.

Questar Capital Corp. ("Questar") was represented by Julie Chenot Mayer, Esq., Maddin, Hauser, Wartell, Roth & Heller, P.C., Southfield, Michigan.

Mutual Service Corp. ("MSC") was represented by Gideon Mark, Esq., Paduano & Weintraub, LLP, New York, New York.

CASE INFORMATION

The Statement of Claim was filed on or about December 20, 2002. The Submission Agreement of Claimants was signed on or about December 20, 2002.

The Statement of Answer was filed jointly by Dekker and Metro on or about March 7, 2003. The Submission Agreement of Dekker was signed on or about February 25, 2003. The Submission Agreement of Metro was signed on or about March 11, 2003, by Robert G. Dekker.

Claimants filed a Motion to Amend the Statement of Claim on or about March 18, 2004.

MSC filed a Motion to Dismiss on or about June 24, 2005. MSC filed a written request that the Motion to Dismiss be considered on or about October 24, 2005.

The Statement of Answer was filed by MSC on or about June 24, 2004. The Submission Agreement of MSC was signed on or about April 17, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty, negligence, churning, fraud, negligent misrepresentation, innocent misrepresentation, violations of §10(b) of the Securities and Exchange Act of 1934 and Rule 10b-5, and violation of Michigan Uniform Securities Act § 410(a)(2). The causes of action related to Claimants' allegations that Dekker, Metro and MSC unsuitably invested Claimants' assets in Jackson National Variable Annuities, which had aggressive sub investments such as Janus Aggressive Growth Fund and Janus Global Equities Fund. In addition, Claimants alleged churning in Ciena stocks.

Unless specifically admitted in their Answer, Dekker and Metro denied the allegations made in the Statement of Claim and asserted defenses including the following: Dekker and Metro did not control Claimants' accounts; Dekker and Metro never engaged in any unauthorized transactions; Dekker and Metro did not recommend any unsuitable investments; Claimants were fully aware of the risks involved with their transactions; Dekker and Metro did not churn Claimants' accounts; and Dekker and Metro did not owe any fiduciary duties to Claimants.

Unless specifically admitted in its Answer, MSC denied the allegations made in the Amended Statement of Claim and asserted affirmative defenses including the following: the Amended Statement of Claim fails to state a claim for relief and fails to allege facts that support the claims; Claimants' securities fraud claims are barred by the applicable statutes of limitation and statutes of repose; Claimants knew the risks associated with their investments and chose to assume the risks; and the claims are barred by the doctrines of laches, waiver, estoppel, and/or ratification.

RELIEF REQUESTED

Claimants requested an award in the amount of \$200,000.00 in compensatory damages, plus punitive/exemplary damages, interest, attorneys' fees, costs and any other relief the panel deemed appropriate in their Statement of Claim. At the hearing, Claimants presented evidence of damages in the amount of approximately \$450,000.00.

Dekker and Metro requested that the claims asserted against them be denied in their entirety and that they be awarded their costs and attorneys' fees. Dekker also requested that this matter be expunged from his CRD record.

MSC requested that the claims asserted against it be dismissed in their entirety and that it be awarded reasonable attorneys' fees, costs, and any other relief the panel deemed appropriate.

OTHER ISSUES CONSIDERED & DECIDED

Respondent Questar Capital did not file with the NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to Rule 10301 of the NASD Code of Arbitration Procedure (the "Code").

Claimant Frederick J. Shaheen died in August 2005. Claimants substituted Joann P. Shaheen, serving as the Personal Representative of the Estate of Frederick J. Shaheen, deceased, as a Claimant on March 6, 2006, at the hearing. References to Frederick J. Shaheen in this Award shall be understood to refer to Joann P. Shaheen in trust capacity.

The panel entered a Stipulated Order of Dismissal Without Prejudice as to Questar on or about November 24, 2003.

The panel granted Claimants' Motion to Amend the Statement of Claim in its Order entered on or about March 25, 2004.

The panel denied MSC's Motion to Dismiss in its Order entered on or about January 24, 2006.

Claimants reached a settlement of their claims versus MSC on or about March 3, 2006.

The panel requested post-hearing submissions on May 3, 2006. Claimants a filed post-hearing submission on or about May 4, 2006.

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 pleadings, the testimony, and the evidence presented at the hearing, and a post-hearing submission, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

- 1.) Respondents, Robert Dekker, and Metro Financial Group, Inc., are jointly and severally liable for and shall pay to Claimants, Frederick J. Shaheen and Joann P. Shaheen, the sum of \$185,000.00 in compensatory damages;
- 2.) The sum noted in paragraph one above, consists of the following:

- a. An award of \$50,000.00 in compensatory damages on the churning claim;
 - b. An award of \$200,000.00 in compensatory damages on the remaining suitability claims; and
 - c. A \$65,000.00 reduction in the amount of compensatory damages;
- 3.) In further compensation, Respondents, Robert Dekker, and Metro Financial Group, Inc., are jointly and severally liable for and shall pay to Claimants, Frederick J. Shaheen and Joann P. Shaheen, the sum of \$50,000.00 in reasonable attorneys' fees and costs pursuant to the Michigan Uniform Securities Act and pursuant to the panel's power to fashion an appropriate remedy;
 - 4.) In further compensation, Respondents, Robert Dekker, and Metro Financial Group, Inc., are jointly and severally liable for and shall pay to Claimants, Frederick J. Shaheen and Joann P. Shaheen, the sum of \$50,000.00 in punitive/exemplary damages pursuant to Michigan common law and pursuant to the panel's power to fashion an appropriate remedy;
 - 5.) Respondents, Robert Dekker, and Metro Financial Group, Inc., are jointly and severally liable for and shall pay to Claimants, Frederick J. Shaheen and Joann P. Shaheen, the sum of \$300.00 as reimbursement for NASD filing fees;
 - 6.) The panel specifically finds that Robert Dekker and Metro Financial Group, Inc., committed fraud against Claimants, Frederick J. Shaheen and Joann P. Shaheen, with respect to their securities accounts;
 - 7.) Robert Dekker's request for expungement is denied with prejudice; and
 - 8.) Any relief not specifically enumerated, including punitive damages and attorneys' 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
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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 person at the time of the events giving rise to the dispute. In this matter, the member firms are Questar Capital Corp., and Mutual Service Corp.

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

Adjournment Fees

Adjournments requested during these proceedings:

May 11-21, 2004, adjournment requested by Claimants	= \$ 1,125.00
December 7-10, 2004, adjournment requested by Claimants (fee assessed to Claimants, Dekker, Metro and MSC)	= \$ 1,500.00
May 17-20, 2005, adjournment requested jointly by Claimants Dekker, Metro and MSC (fee waived by Panel)	= \$ 1,125.00
November 21-22, 2005 and December 12, 2005 adjournment requested jointly by Claimants, Dekker, Metro and MSC (fee waived by the Panel)	= \$ 1,500.00

Forum Fees and Assessments

The panel has assessed forum fees for each hearing session conducted and each decision rendered on a discovery-related motion on the papers. A hearing 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 a single arbitrator x \$450.00	= \$ 450.00
Pre-hearing conference: October 6, 2004 1 session	
Two (2) Pre-hearing sessions with Panel x \$1,125.00	= \$ 2,250.00
Pre-hearing conferences: November 12, 2003 1 session	
August 2, 2005 1 session	
Nine (9) Hearing sessions x \$1,125.00	= \$ 10,125.00
Hearing Dates: March 6, 2006 2 sessions	
March 7, 2006 2 sessions	
March 8, 2006 2 sessions	
March 23, 2006 2 sessions	
April 19, 2006 1 session	
Total Forum Fees	= \$ 12,825.00

The Arbitration Panel has assessed \$12,825.00 of the forum fees jointly and severally to Robert Dekker and Metro Financial Group, Inc.

Fee Summary

Claimants, Frederick J. Shaheen and Joanne P. Shaheen, are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
<u>Adjournment Fee</u>	= \$ 1,875.00
<u>Total Fees</u>	= \$ 2,175.00
<u>Less payments</u>	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 750.00

Respondent, Questar Capital Corp., is liable for:

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

Respondent, Mutual Service Corp., is liable for:

<u>Member Fees</u>	= \$ 5,200.00
<u>Total Fees</u>	= \$ 5,200.00
<u>Less payments</u>	= \$ 1,305.40
Balance Due NASD Dispute Resolution	= \$ 3,895.50

Respondents, Robert Dekker and Metro Financial Group, Inc., are jointly and severally liable for:

<u>Forum Fees</u>	= \$ 12,825.00
<u>Total Fees</u>	= \$ 12,825.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 12,825.00

Respondents, Robert Dekker, Metro Financial Group and Mutual Service Corp., are jointly and severally liable for:

<u>Adjournment Fee</u>	= \$ 750.00
<u>Total Fees</u>	= \$ 750.00
<u>Less payments</u>	= \$ 90.60
Balance Due NASD Dispute Resolution	= \$ 659.40

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

ARBITRATION PANEL

Stephen P. Ormond, Esq. - Public Arbitrator, Presiding Chair
John A. Cook, Esq. - Public Arbitrator
Mary Ann Golin - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Stephen P. Ormond, Esq.
Stephen P. Ormond, Esq.
Public Arbitrator, Presiding Chair

05/10/06
Signature Date

/s/ John A. Cook, Esq.
John A. Cook, Esq.
Public Arbitrator

05/10/06
Signature Date

/s/ Mary Ann Golin
Mary Ann Golin
Non-Public Arbitrator

05/10/06
Signature Date


05/10/06
Date of Service (For NASD office use only)

ARBITRATION PANEL

Stephen P. Ormond, Esq. - Public Arbitrator, Presiding Chair
John A. Cook, Esq. - Public Arbitrator
Mary Ann Golin - Non-Public Arbitrator

Concurring Arbitrators:

Stephen P. Ormond, Esq.
Public Arbitrator, Presiding Chair



John A. Cook, Esq.
Public Arbitrator

Signature Date

May 10, 2006

Signature Date

Mary Ann Golin
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

NASD Dispute Resolution

Arbitration No. 02-7796

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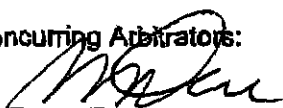
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Concurring Arbitrators:



Stephen P. Ormond, Esq.
Public Arbitrator, Presiding Chair

5/10/06

Signature Date

John A. Cook, Esq.
Public Arbitrator

Signature Date

Mary Ann Golin
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

NASD Dispute Resolution

Arbitration No. 02-7766

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ARBITRATION PANEL

Stephen P. Ormond, Esq. - Public Arbitrator Presiding Chair
John A. Cook, Esq. - Public Arbitrator
Mary Ann Golin - Non-Public Arbitrator

Concurring Arbitrators:

Stephen P. Ormond, Esq.
Public Arbitrator, Presiding Chair

Signature Date

John A. Cook, Esq.
Public Arbitrator

Signature Date

Mary Ann Golin
Mary Ann Golin
Non-Public Arbitrator

5/10/06
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