

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Charles R. Hamilton (Claimant) v. Invest Financial Corporation and Richard P. Martin
(Respondents)

Case Number: 03-00113

Hearing Site: Boston, Massachusetts

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

REPRESENTATION OF PARTIES

Claimant Charles R. Hamilton ("Hamilton") hereinafter referred to as "Claimant": Philip M. Giordano, Esq., Giordano, Champa & Powers, LLP, Boston, MA.

Respondents Invest Financial Corporation ("Invest") and Richard P. Martin ("Martin") hereinafter collectively referred to as "Respondents": Christopher B. Mulvihill, Esq., Winget, Spadafora & Schwartzberg, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: January 3, 2003.

Claimant signed the Uniform Submission Agreement: December 28, 2002.

Joint Statement of Answer filed by Respondents on or about: March 18, 2003.

Invest did not sign the Uniform Submission Agreement.

Martin did not sign the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: violation of Federal securities laws; violation of State securities laws; breach of contract; breach of fiduciary duty; fraud and deceit; negligent misrepresentation; breach of duty of reasonable care and practice; failure to supervise; and civil conspiracy. The causes of action relate to unspecified securities.

Unless specifically admitted in its Answer, Respondents denied the allegations of wrongdoing set forth in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested that the Panel order and enjoin, temporarily, preliminarily, and permanently, the Respondents; compensatory damages in the amount of \$150,000.00; damages for lost

economic opportunity; costs, forum fees, expenses, and statutory interest in bringing this action, including attorneys' fees; punitive damages; and any additional relief which this Honorable Panel deems just and proper.

Respondents requested dismissal of the Statement of Claim in its entirety; costs, including attorneys' fees; forum fees be assessed to the Claimant; and such other and further relief as the Panel deems just and appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution properly executed Uniform Submission Agreements but are required to submit to arbitration pursuant to the Code and, having answered the claim, are bound by the determination of the Panel on all issues submitted.

On or about January 12, 2004, NASD Dispute Resolution was notified that the parties settled this matter.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for an entry of an award, the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Richard P. Martin's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Richard P. Martin must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. 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 firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, Invest Financial Corporation is a party.

Member Surcharge	= \$1,700.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

Forum Fees and Assessments

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

Two (2) Pre-hearing conference sessions with a single arbitrator @ \$450.00	= \$ 900.00
Pre-hearing conferences: October 20, 2003 1 session	
November 5, 2003 1 session	
One (1) Pre-hearing conference session with the Panel @ \$1,125.00	= \$1,125.00
<u>Pre-hearing conference: July 21, 2003 1 session</u>	<u></u>
Total Forum Fees	= \$2,025.00

1. The Panel has assessed \$300.00 of the forum fees against Martin.
2. The Panel has assessed \$1,725.00 of the forum fees against Invest.

Fee Summary

1. Claimant is solely liable for:

<u>Initial Filing Fee</u>	<u>= \$ 300.00</u>
Total Fees	= \$ 300.00
<u>Less payments</u>	<u>= \$1,425.00</u>
Refund Due Claimant	= \$1,125.00

2. Martin is solely liable for:

<u>Forum Fees</u>	<u>= \$ 300.00</u>
Total Fees	= \$ 300.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$ 300.00

3. Invest is solely liable for:

<u>Member Fees</u>	<u>= \$5,200.00</u>
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Forum Fees	= \$1,725.00
<u>Total Fees</u>	<u>= \$6,925.00</u>
<u>Less payments</u>	<u>= \$5,200.00</u>
Balance Due NASD Dispute Resolution	= \$1,725.00

All balances are due and payable to NASD Dispute Resolution

Parties' Signatures


Charles R. Hamilton
Claimant

12 June 09
Signature Date

Invest Financial Corporation
Respondent

Signature Date

Richard P. Martin
Respondent

Signature Date

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Parties' Signatures

Charles R. Hamilton
Claimant

Signature Date



Invest Financial Corporation
Respondent

Signature Date

Richard P. Martin
Respondent

Signature Date

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Parties' Signatures

Charles R. Hamilton
Claimant

Signature Date

Invest Financial Corporation
Respondent

Signature Date



Richard P. Martin
Respondent

8/28/64

Signature Date

ARBITRATION PANEL

Robert Titus	-	Public Arbitrator, Presiding Chair
Richard M. McCostis, Esq.	-	Public Arbitrator
Jack A. Marshall	-	Non-Public Arbitrator

Concurring Arbitrators' Signature(s)

Robert B. Titus

Robert Titus
Public Arbitrator, Presiding Chair

May 16, 2005
Signature Date

Richard M. McCostis, Esq.
Public Arbitrator

Signature Date

Jack A. Marshall
Non-Public Arbitrator

Signature Date

June 8, 2005

Date of Service (For NASD office use only)

ARBITRATION PANEL

Robert Titus	-	Public Arbitrator, Presiding Chair
Richard M. McCostis, Esq.	-	Public Arbitrator
Jack A. Marshall	-	Non-Public Arbitrator

Concurring Arbitrators' Signature(s)

Robert Titus
Public Arbitrator, Presiding Chair

Signature Date

Richard M. McCostis
Richard M. McCostis, Esq.
Public Arbitrator

May 14, 2005
Signature Date

Jack A. Marshall
Non-Public Arbitrator

Signature Date

June 8, 2005
Date of Service (For NASD office use only)