

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

CASE: 03-00458

Robert K. Brooks, Claimant vs. Cardinal Capital Management, Inc., Joseph Azzata, and Christopher Sweeney, Respondents.

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**ATTORNEYS:**

For Claimant, Robert K. Brooks, ("Claimant"), appeared Neil S. Baritz, of the firm Baritz and Colman LLP, Boca Raton, FL.

For Respondents, Cardinal Capital Management, Inc., Joseph Azzata, and Christopher Sweeney, (collectively "Respondents"), appeared Nancy Van Sant, Esq., of the Law Offices of Sacher, Zelman, Van Sant, Paul, Beiley, Hartman, Terzo & Waldman, P.A., Miami, FL.

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**DATE FILED:** January 21, 2003

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**CASE SUMMARY:** Claimant alleged that Respondents engaged in acts of misconduct, breached their contract and fiduciary duties and violated state and federal laws. Claimant further alleged that Respondents failed to execute an express order to sell 4,000 shares of the common stock of Xstream Beverage Group, Inc. in his account. Claimant maintained that due to Respondents' actions, he suffered financial losses.

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**Claim Data**

Claim: \$25,000.00  
Interest: Unspecified  
Punitive: Unspecified  
Attorney Fees: Unspecified  
Filing Fees: Unspecified  
Other: Disciplinary Referral

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**Award Data**

Award: \$.00  
Interest: \$.00  
Punitive: \$.00  
Attorney Fees: \$.00  
Filing Fees: \$212.50  
Other: Denied

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimant are dismissed in their entirety. 2) All requests for interest are denied. 3) All requests for punitive damages are denied. 4) All requests for attorney fees are denied. 5) The arbitrator recommends the expungement of all reference to above captioned arbitration from Respondents, Joseph Azzata's and Christopher Sweeney's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondents, Joseph Azzata and Christopher Sweeney must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. 6) All other relief requests are denied. 7) The \$425.00 filing fee previously deposited with NASD Dispute Resolution by the Claimant, shall be retained by NASD Dispute Resolution. 8) Respondents jointly and severally, shall pay Claimant \$212.50 as reimbursement of one-half of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent, Cardinal Capital Management Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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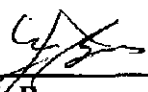
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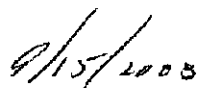
Nelson J. Brous

Sole Public Arbitrator

**AFFIRMATION**

I, Nelson J. Brous, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

  
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Nelson J. Brous

  
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Signature Date

September 17, 2003  
Date of Service (For NASD-DR office use only)