
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Prime Charter LTD.

Case Number: 03-01477

Name of the Respondent
Joseph S. Truman

Hearing Site: Boca Raton, Florida

Nature of the Dispute: Member vs. Associated Person.

REPRESENTATION OF PARTIES

For Prime Charter LTD. ("Prime Charter"), hereinafter referred to as "Claimant": Evelyn Bukchin, Esq., Prime Charter LTD., New York, New York.

Joseph S. Truman ("Truman"), hereinafter referred to as "Respondent", did not appear in this matter.

CASE INFORMATION

Statement of Claim filed on or about: February 27, 2003.

Claimant signed the Uniform Submission Agreement: February 27, 2003.

Respondent did not file a Statement of Answer or an executed Uniform Submission Agreement.

Motion for Default Judgment filed by Claimant on or about: December 15, 2003.

CASE SUMMARY

Claimant asserted the cause of action of breach of promissory note. The cause of action relates to Respondent's resignation and subsequent failure to pay monies owed pursuant to a promissory note.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$80,000.00, interest at 9% per annum from 10/01/02 through the date of the award, filing fees, expenses and attorney's fees in the amount of \$12,000.00.

OTHER ISSUES CONSIDERED AND DECIDED

On or about December 15, 2003, Claimant filed with NASD Dispute Resolution a Motion for Default Judgment pursuant to Rule 10314(e) of the NASD Code of Arbitration Procedure (the "Code"). The Panel granted the motion and stated, in accordance with Rule 10314(e), that there would be no further hearings and that one arbitrator would issue an Award for final determination of this matter.

Furthermore, the Panel determined that Respondent was properly served with notice of the Statement of

Claim and notification of the Panel by certified mail, and that Respondent is required to submit to arbitration pursuant to the Code and is bound by the determination of the Panel on all issues submitted.

AWARD

After considering the pleadings and the Motion for Default Judgment, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

Respondent is found liable for breach of promissory note and shall pay to Claimant compensatory damages in the amount of \$80,000.00, plus interest at the rate of 9% per annum from October 1, 2002 until the date of payment of the award.

Respondent is found liable and shall pay to Claimant attorney's fees, pursuant to his employment contract, in the amount of \$12,000.00.

Respondent is found liable and shall pay to Claimant the sum of \$1000.00 representing reimbursement of the claim filing fee previously paid by Claimant to NASD Dispute Resolution.

Any and all claims for relief not specifically addressed herein are 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	= \$1,000.00
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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. Accordingly, Claimant is a party to this dispute and was a member of NASD at the time the following fees were assessed:

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00

Adjournment Fees

No requests for adjournments were filed in this matter.

Injunctive Relief Fees

No injunctive relief fees were incurred during this proceeding.

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 the Panel @ \$750.00	= \$750.00
<u>Pre-hearing conference: October 21, 2003 1 session</u>	
Total Forum Fees	= \$750.00

The Panel has assessed the total forum fees of \$750.00 to Claimant.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during this proceeding.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$1,850.00
Forum Fees	= \$ 750.00
Total Fees	= \$3,600.00
Less payments	= \$3,600.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATOR

Alvin Spier - *Non-Public Arbitrator, Presiding Chairperson*

Arbitrator's Signature

/s/
Alvin Spier
Non-Public Arbitrator, Presiding Chairperson

1/15/04
Signature Date

1/15/04
Date of Service (For NASD Dispute Resolution office use only)

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No administrative costs were incurred during this proceeding.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$1,850.00
<u>Forum Fees</u>	<u>= \$ 750.00</u>
Total Fees	= \$3,600.00
<u>Less payments</u>	<u>= \$3,600.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

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ARBITRATOR

Alvin Spier

- Non-Public Arbitrator, Presiding Chairperson

Arbitrator's Signature



Alvin Spier
Non-Public Arbitrator, Presiding Chairperson

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