

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Donna Bienkowski (Claimant) v. Commonwealth Financial Network and John DelVecchio (Respondents)

Case Number: 03-01791

Hearing Site: New York, New York

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

REPRESENTATION OF PARTIES

Claimant, Donna Bienkowski ("Bienkowski") hereinafter referred to as "Claimant": Brian A. Carlis, Esq. and Aaron C. Buser, Esq., Stark & Stark, P.C., Princeton, NJ.

Respondents Commonwealth Financial Network ("Commonwealth") and John DelVecchio ("DelVecchio") hereinafter collectively referred to as "Respondents": Anthony Paduano, Esq. and Katherine B. Harrison, Esq., Paduano & Weintraub, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: March 10, 2003.

Claimant signed the Uniform Submission Agreement: February 26, 2003.

Joint Statement of Answer filed by Respondents on or about: May 19, 2003.

Respondent Commonwealth signed the Uniform Submission Agreement: March 20, 2003.

Respondent DelVecchio signed the Uniform Submission Agreement: June 4, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: misrepresentation, unsuitability, negligence, sale of unregistered securities, violation of state and federal securities laws, violation of NASD Conduct Rules, failure to supervise, breach of contract, breach of fiduciary duty, fraud and common law fraud. The causes of action relate to IBF Special Purpose Corporation VII Notes.

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

RELIEF REQUESTED

Claimants requested \$300,000 in compensatory damages plus pre and post-judgment interest, expenses, reasonable attorneys' fees and exemplary damages.

Respondents requested dismissal of the Statement of Claim in its entirety, an award of reasonable costs, including attorneys' fees; expungement of all reference to this matter from Respondent DelVecchio's Central Registration Depository ("CRD"); and such other and further relief as the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On or about August 26, 2004, NASD Dispute Resolution was notified that the parties settled this matter and that the parties requested an order from the Panel expunging all references to this case from Respondent DelVecchio's CRD record and submitted a Stipulation Regarding Expungement. That document is annexed as Exhibit "A".

On or about September 22, 2004, counsel for Respondent requested that this matter be reopened in order to address Respondent DelVecchio's expungement request. The Panel and parties held a conference call on October 26, 2004, to discuss this matter and decided: "After having heard the positions of the parties, the Panel approves the parties' request to expunge the record of Respondent DelVecchio. The Claimant has represented that Respondent DelVecchio did nothing wrong and that the claims against him were false. Further, he was not involved in any sales practice violations."

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 all parties for an entry of an award and the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. Claimant's claims are dismissed in their entirety with prejudice.
2. All parties are to bear their own costs and fees.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent John DelVecchio's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent DelVecchio must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
4. Any and all relief not specifically addressed herein, including exemplary damages, is 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 = \$300.00

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, Commonwealth Financial Network is a party.

Member Surcharge = \$1,700.00

Pre-Hearing Process Fee = \$ 750.00

Hearing Process Fee = \$2,750.00

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 arbitrators, that lasts four (4) hours or less. Forum fees associated with these proceedings are:

Two (2) Pre-hearing conference sessions with the Panel @ \$1,125.00/session = \$2,250.00

Pre-hearing conferences: September 26, 2003 1 session

October 26, 2004 1 session

Total Forum Fees = \$2,250.00

1. The Panel has assessed \$562.50 of the forum fees for the September 26, 2003 conference call against Claimant.
2. The Panel has assessed \$562.50 of the forum fees for the September 26, 2003 conference call against Respondent Commonwealth.
3. The Panel has assessed \$1125.00 of the forum fees for the October 26, 2004, conference call jointly and severally against Respondents.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee = \$ 300.00

Forum Fees = \$ 562.50

Total Fees = \$ 862.50

Less payments = \$ 862.50

Balance Due NASD Dispute Resolution = \$ 0.00

2. Respondent Commonwealth is solely liable for:

Member Fees	= \$5,200.00
<u>Forum Fees</u>	= \$ 562.50
Total Fees	= \$5,762.50
<u>Less payments</u>	= \$5,762.50
Balance Due NASD Dispute Resolution	= \$ 0.00

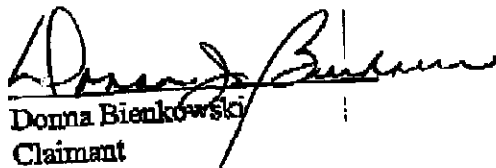
3. Respondents are jointly and severally liable for:

<u>Forum Fees</u>	= \$1,125.00
Total Fees	= \$1,125.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,125.00

All balances are due and payable to NASD Dispute Resolution.

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Parties' Signatures


Donna Bienkowski
Claimant

11-23-04
Signature Date

Commonwealth Financial Network
Respondent

Signature Date


John DelVecchio
Respondent

Signature Date

Parties' Signatures

Donna Bienkowski
Claimant

Signature Date



Commonwealth Financial Network
Respondent

11/10/2004

Signature Date

John DelVecchio
Respondent

Signature Date

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Award Page 5 of 6

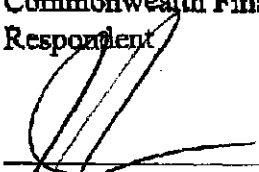
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Claimant

Signature Date

Commonwealth Financial Network
Respondent

Signature Date



John DeVecchio
Respondent

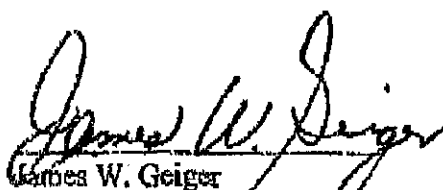


Signature Date

ARBITRATION PANEL

James W. Geiger	-	Public Arbitrator, Presiding Chair
William H. Hagendorn, Esq.	-	Public Arbitrator
Vinita Juneja	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


James W. Geiger
Public Arbitrator, Presiding Chair

1/20/05
Signature Date

William H. Hagendorn, Esq.
Public Arbitrator

Signature Date

Vinita Juneja
Non-Public Arbitrator

Signature Date

February 4, 2005
Date of Service (For NASD office use only)

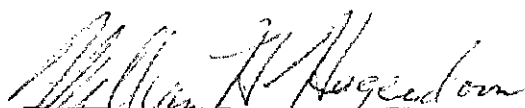
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William H. Hagendorn, Esq.	-	Public Arbitrator
Vinita Juneja	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

James W. Geiger
Public Arbitrator, Presiding Chair

Signature Date


William H. Hagendorn, Esq.
Public Arbitrator

1/19/05
Signature Date

Vinita Juneja
Non-Public Arbitrator

Signature Date

February 4, 2005
Date of Service (For NASD office use only)

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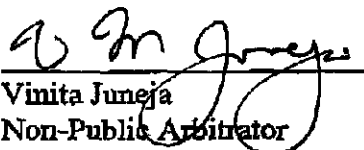
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Signature Date

William H. Hagendorn, Esq.
Public Arbitrator

Signature Date



Vinita Juneja
Non-Public Arbitrator

1/19/05

Signature Date

February 4, 2005
Date of Service (For NASD office use only)

Exhibit A

NASD DISPUTE RESOLUTION, INC.

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In the Matter of the Arbitration Between :

DONNA BIENKOWSKI, :

Claimant, : NASD No. 03-01791

-against- :

COMMONWEALTH FINANCIAL NETWORK :
and JOHN DELVECCHIO :

Respondents. :

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STIPULATION REGARDING EXPUNGEMENT

Claimant, Donna Bienkowski and Respondents Commonwealth Financial Network and John DelVecchio submit the following Stipulation to Expunge Claimant's arbitration claim in this action from Mr. DelVecchio's Central Registration Depository ("CRD") records, CRD No. 1206596. The parties hereby stipulate to the following:

1. In or about March 2003, a dispute arose between the parties as to certain securities which Claimants purchased through the Respondents (the "Dispute").
2. The Dispute was submitted to the NASD for arbitration.
3. On or about July 22, 2004, the parties reached a resolution of the Dispute in which they agreed to dismiss all claims against Respondents and to request the expungement of any reference to this arbitration from the CRD records of Mr.

DelVecchio, with the understanding that Mr. DelVecchio must obtain confirmation from a court of competent jurisdiction before the CRD would execute the expungement directive.

Dated: New York, New York

~~May~~, 2004
August 26, 2004

STARK & STARK

By: 

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Commonwealth Financial Network and
John DelVecchio