

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

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CASE: 03-01844

Lee R. Frank, (Claimant) vs. Whitehall Wellington Investments, Inc., (Respondent)

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**ATTORNEYS:**

Claimant appeared *pro se*, Tamarac, FL.

For Respondent appeared Stuart Weinberg, Pres., Port Washington, NY.

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**NATURE OF DISPUTE:** Associated Person vs. Terminated Member

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**DATE FILED:** March 14, 2003

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**CASE SUMMARY:** Claimant alleged that Respondent placed erroneous comments on his Form U-5. Claimant maintained that such comments could affect his future employment opportunities.

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**Claim Data**

Claim: \$50.00  
Expungement: Requested  
Filing Fees: \$50.00

**Award Data**

Award: \$.00  
Expungement: Granted  
Filing Fees: \$.00

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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 monetary claims of the Claimant are dismissed in their entirety. 2) The Arbitrator recommends the expungement of the reason for termination on Claimant Lee Frank's (CRD 3149356) Form U-5 filed by Respondent Whitehall Wellington Investments, Inc. (CRD 38022). The new reason for termination should be immediately changed to "VOLUNTARY" and the entirety of the corresponding termination comment made by Whitehall Wellington Investments, Inc. be deleted. Replacement language for the termination comment is not required, as Form U5 does not require a termination comment when the reason for termination is "voluntary." The expungement is based on the defamatory nature of the information contained in Claimant's CRD record. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$50.00 filing fee that the Claimant deposited previously.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$150.00 Member Surcharge previously invoiced.


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Award 03-01844

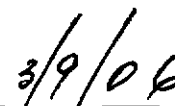
David A. Harris

Sole Non-Public Arbitrator

AFFIRMATION

I, David A. Harris, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument, which is my award.

  
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David A. Harris

  
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(Signature Date)

  
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Date of Service (For NASD-DR office use only)