

**STIPULATED AWARD
NASD Dispute Resolution**

In the Matter of the Arbitration Between

Claimants

Ramon and Maria Vera

and

Case Number: 04-00904
Hearing Site: Detroit, Michigan

Respondents

Linsco/Private Ledger Corp., and
Joseph James Behrend

NATURE OF CASE

Customers v. Member and Associated Person

REPRESENTATION OF PARTIES

Ramon and Maria Vera ("Claimants") were represented by Anthony V. Trogan, Esq., and Lysa Postula-Stein, Esq., Anthony V. Trogan PLLC, West Bloomfield, Michigan.

Linsco/Private Ledger Corp. ("Linsco") and Joseph James Behrend ("Behrend"), hereinafter collectively referred to as "Respondents", were represented by Gary M. Saretsky, Esq. and Eric A. Michaels, Esq., Hertz, Schram & Saretsky PC, Bloomfield Hills, Michigan.

CASE INFORMATION

The Statement of Claim was filed on or about February 12, 2004. The Submission Agreement of Claimants was signed on or about January 28, 2004.

The Statement of Answer was filed jointly by Respondents on or about May 28, 2004. The Submission Agreement of Linsco was signed on or about June 28, 2004 by David J. Freniere. The Submission Agreement of Behrend was signed on or about June 16, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: breach of contract; fraud; negligence; breach of fiduciary duty; and failure to supervise. The causes of action related to Claimants' allegations that Respondents placed Claimants in a variety of unspecified high risk, unsuitable investments without making necessary and complete disclosures, including a variable annuity for Maria Vera and a variable life insurance policy for Ramon Vera.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted affirmative defenses including the following: the Statement of Claim fails to state a claim upon which relief can be granted; all investment recommendations were suitable; Linsco maintained an adequate system of supervision; and Claimants cannot establish transaction causation or loss causation.

RELIEF REQUESTED

Claimants requested an award in the amount of:

Actual/Compensatory Damages	\$344,000.00
Punitive Damages	Unspecified
Interest	Unspecified
Attorney's Fees	Unspecified
Other Costs	Unspecified
Other Monetary Relief	Unspecified

Respondents requested that the claims asserted against them be denied in their entirety and that they be awarded their costs and attorneys' fees. Respondents also requested expungement of all references to this matter from Joseph Behrend's registration records maintained by the NASD Central Registration Depository ("CRD").

OTHER ISSUES CONSIDERED & DECIDED

The parties have resolved this matter and present this Stipulated Award to the panel and request that it be entered.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution (the "NASD").

AWARD

After considering the parties' submissions and representations, but without making any findings of fact or conclusions of law, the undersigned arbitrators order as follows:

1. Claimants' claims, having been withdrawn, are dismissed with prejudice;
2. Other than Forum Fees, which are specified below, the parties shall each bear their own costs and expenses incurred in this matter;
3. The panel recommends the expungement of all reference to the above

captioned arbitration from Respondent Joseph James Behrend's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Joseph James Behrend must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive; and

4. Any relief not specifically enumerated, including punitive damages and attorneys' fees, is hereby dismissed with prejudice.

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, the member firm is Linsco/Private Ledger Corp.

Member surcharge = \$ 1,700.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$ 2,750.00

Adjournment Fees

Adjournments requested during these proceedings:

June 14-16, 2004 adjournment by Respondents (fee waived by panel) = \$ 1,125.00

Forum Fees and Assessments

The Panel has assessed forum fees for each hearing session conducted and each decision rendered on a discovery-related motion on the papers. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$1,125.00	= \$1,125.00
Pre-hearing conference: August 16, 2004 1 session	
Total Forum Fees	= \$1,125.00

The Arbitration Panel has assessed \$562.50 of the forum fees jointly and severally to Ramon and Maria Vera.

The Arbitration Panel has assessed \$562.50 of the forum fees jointly and severally to Linsco/Private Ledger Corp and Joseph James Behrend.

Fee Summary

Claimants, Ramon and Maria Vera, are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 562.50
Total Fees	= \$ 862.50
<u>Less payments</u>	<u>= \$ 1,425.00</u>
Balance Refunded by NASD Dispute Resolution	= \$ 562.50

Respondent, Linsco/Private Ledger Corp., is liable for:

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

Respondents, Linsco/Private Ledger Corp., and Joseph James Behrend, are jointly and severally liable for:

Forum Fees	= \$ 562.50
Total Fees	= \$ 562.50
<u>Less payments</u>	<u>= \$ 562.50</u>
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.

ARBITRATION PANEL

Margaret A. Costello, Esq.- Public Arbitrator, Presiding Chair
Barry Goldman, Esq.- Public Arbitrator
Joseph H. Mizzi- Non-Public Arbitrator

Concurring Arbitrators:

/s/ Margaret A. Costello, Esq.
Margaret A. Costello, Esq.
Public Arbitrator, Presiding Chair

11/29/05
Signature Date

/s/ Barry A. Goldman, Esq.
Barry Goldman, Esq.
Public Arbitrator

11/28/05
Signature Date

/s/ Joseph H. Mizzi
Joseph H. Mizzi
Non-Public Arbitrator

11/28/05
Signature Date

12/01/05
Date of Service (For NASD office use only)

NASD Dispute Resolution
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ARBITRATION PANEL

Margaret A. Costello, Esq.- Public Arbitrator, Presiding Chair
Barry Goldman, Esq.- Public Arbitrator
Joseph H. Mizzi- Non-Public Arbitrator

Concurring Arbitrators:

Margaret A. Costello, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Barry Goldman, Esq.
Public Arbitrator

Signature Date



Joseph H. Mizzi
Non-Public Arbitrator

11-28-05

Signature Date

Date of Service (For NASD office use only)

NASD Dispute Resolution
Arbitration No. 04-00904
Stipulated Award Page 5 of 5

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Public Arbitrator, Presiding Chair



Barry Goldman, Esq.
Public Arbitrator

Joseph H. Mizzi
Non-Public Arbitrator

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NASD Dispute Resolution
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