

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:
West Park Capital, Inc., Claimant v. Francis J. Coady, Respondent

Case Number: 04-02296

Hearing Site: Los Angeles, California

Nature of the Dispute: Member v. Associated Person

REPRESENTATION OF PARTIES

For Claimant:

Anthony C. Pintsopoulos
West Park Capital, Inc.
Deerfield Beach, Florida

For Respondent:

Francis J. Coady
In Propria Persona
Malibu, California

CASE INFORMATION

Statement of Claim filed: March 25, 2004

Claimant's Uniform Submission Agreement signed: March 25, 2004

Respondent's Statement of Answer received: May 25, 2004

Respondent's Uniform Submission Agreement signed: May 26, 2004

CASE SUMMARY

Claimant alleged breach of a registered representative agreement.

In his Answer, Respondent set forth the reasons for his resignation from West Park Capital, Inc.

RELIEF REQUESTED

Claimant requested \$5,000.00 in compensatory damages and costs.

OTHER ISSUES CONSIDERED AND DECIDED

On May 5, 2004, Claimant signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

Pursuant to the Code of Arbitration Procedure IM-10100, the waiver of the Claimant shall constitute and operate as a waiver for all member firms and associated persons (including terminated or otherwise inactive member firms or associated persons) against whom the Claim has been filed.

Respondent did not make an appearance at the evidentiary hearing on September 28, 2005. Upon review of the file and the representations made by the Claimant, the undersigned Arbitrator determined that Respondent was properly served with the Statement of Claim, that Respondent filed both an Answer and executed a Uniform Submission Agreement, and that Respondent never informed NASD Dispute Resolution or Claimant of any subsequent change of address. The Arbitrator further determined that Respondent was provided proper notice of the hearing at his last known address, and that arbitration of the matter would proceed without said Respondent present, in accordance with the *NASD Code of Arbitration Procedure* (the "Code").

AWARD

After considering the pleadings, testimony, and evidence presented at the hearing, the Arbitrator decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent is liable to and shall pay Claimant the sum of \$4,500.00 in compensatory damages.
- 2) Respondent is liable to and shall pay Claimant interest at the rate of 7% per annum on \$4,500.00 from October 31, 2002 until the date that payment of this Award is made in full.
- 3) The parties shall bear their respective costs, including attorney's fees.
- 4) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 400.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm West Park Capital, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 200.00
Total Member Fees	= \$ 200.00

Forum Fees and Assessments

The Arbitrator assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Arbitrator. The following fees are assessed:

3 Pre-hearing conference sessions with a single arbitrator @ \$125.00/session	= \$ 375.00
Pre-hearing conferences:	
July 12, 2004	1 session
November 24, 2004	1 session
August 19, 2005	1 session

1 Hearing session @ \$125.00/session	= \$ 125.00
Hearing:	
September 28, 2005	1 session

Total Forum Fees	= \$ 500.00
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The Arbitrator assessed \$500.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 400.00
Member Fees	= \$ 200.00
Total Fees	= \$ 600.00
Less payments	= \$(850.00)
Refund Due Claimant	= \$(250.00)

2. Respondent is charged with the following fees and costs:

Forum Fees	= \$ 500.00
Less payments	= \$(0.00)
Balance Due NASD Dispute Resolution	= \$ 500.00

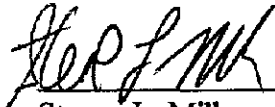
All balances are payable to NASD Dispute Resolution and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

ARBITRATOR

Steven L. Miller

- Non-Public Arbitrator, Presiding Chair

Arbitrator's Signature



Steven L. Miller
Chair, Non-Public Arbitrator

9/28/05

Signature Date

9/28/05

Date of Service