

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Barbara L. Frank

Case Number: 04-02648

Name of the Respondent
Donald Sherman Becker

Hearing Site: Dallas, Texas.

NATURE OF THE DISPUTE

Customer v. Associated Person

REPRESENTATION OF PARTIES

Claimant Barbara L. Frank, hereinafter referred to as "Claimant": Paul N. Young, CEO, Securities Arbitration Group, Inc., located in Los Angeles, California.

Respondent Donald Sherman Becker, hereinafter referred to as "Respondent": Grant S. Goens, Esq., of the Law Offices of Grant S. Goens, P.L.L.C., located in Garland, Texas.

CASE INFORMATION

Statement of Claim filed: April 12, 2004.

Claimant signed the Uniform Submission Agreement: February 16, 2004.

Statement of Answer filed by Respondent: June 4, 2004.

Respondent signed the Uniform Submission Agreement: June 17, 2004.

Amendment to Statement of Answer filed: July 12, 2004.

Claimant's Response to Amendment to Statement of Answer filed: July 20, 2004.

Claimant's Motion to Preclude Answer filed: June 4, 2004.

Respondent's Response to Motion to Preclude filed: June 17, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: fraud; misrepresentation; suitability; failure to follow instructions; churning and excessive trading; excessive and unnecessary commissions; negligence; inappropriate and unnecessary use of margin; failure to adequately supervise and monitor account activity; unauthorized or *de facto* discretion; violations of NASD guidelines and the NASD Rules of Fair Practice; violation of NYSE Rule 405; and violation of SEC Rule 15c1-

2. The causes of action related to Claimant's investments in a number of common stocks and use of margin.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	Unspecified
Punitive Damages	Unspecified
Interest	Unspecified
Attorneys' Fees	Unspecified
Other Costs	Unspecified
Other Monetary/Non-Monetary Relief if any:	Unspecified

Respondent requested that the Panel find against the Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

At the Initial Pre-Hearing Conference, the Panel heard argument and ruled on Claimant's Motion to Preclude. As part of the Initial Pre-Hearing Conference Scheduling Order dated September 14, 2004, the Panel denied the Motion.

By letter dated January 21, 2005, Claimant withdrew her claim and requested dismissal of the claim with prejudice. Included with the withdrawal was an acknowledgement that the Claimant would not oppose a Motion for Expungement filed by Respondent. On January 24, 2005, the Respondent filed a Motion for Expungement.

After review of the Motion and withdrawal, on February 11, 2005 the Panel determined that the Motion would be granted and specifically found that Respondent Becker was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation or conversion of funds.

AWARD

After considering the pleadings and the subsequent submissions made by the parties, the Panel has determined as follows:

1. Pursuant to Claimant's Motion to Dismiss with Prejudice, the claims asserted by Claimant Barbara L. Frank against Respondent Donald Sherman Becker are dismissed with prejudice;
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Donald Sherman Becker's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54,

Respondent Becker must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;

3. The parties shall bear their own costs of arbitration, including any attorneys' fees, except for those sums specifically enumerated herein; and,
4. Any and all relief not specifically addressed herein, including punitive 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	= \$ 250.00
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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, Northstar Securities, Inc. is the Respondent's former firm and the following member firms were assessed:

Member surcharge	= \$ 1,500.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed: None.

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A 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 @ \$1,000.00	= \$ 1,000.00
Pre-hearing conference: <u>September 13, 2004 1 session</u>	
Total Forum Fees	= \$ 1,000.00

The Panel has assessed \$500.00 of the forum fees to Claimant Barbara L. Frank and has assessed the remaining \$500.00 of the forum fees to Respondent Donald Sherman Becker.

SEE SUMMARY

Claimant Barbara L. Frank is solely liable for:

Initial Filing Fee	= \$ 250.00
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Received at: 10:46AM, 2/25/2005

02/25/2005 10:47 FAX

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NASD Dispute Resolution
Arbitration No. 04-02648
Award Page 4

Forum Fees	= \$ 500.00
Total Fees	= \$ 750.00
Less payments	= \$ 1,250.00
Balance Refunded by NASD Dispute Resolution	= \$ 500.00

Respondent Donald Sherman Becker is solely liable for:

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 receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Michael P. Geary - Public Arbitrator, Presiding Chairperson
Russell E. Rains, Esq. - Public Arbitrator
William Richard Smith - Non-Public Arbitrator

~~Concurring Arbitrators' Signatures~~



Michael P. Geary
Public Arbitrator, Presiding Chairperson

Feb. 24, 2005

Signature Date

Russell E. Rains, Esq.
Public Arbitrator

Signature Date

William Richard Smith
Non-Public Arbitrator

Signature Date

3/2/05 

Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution

Arbitration No. 04-02648

Award Page 4

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Russell E. Rains, Esq. - Public Arbitrator

William Richard Smith - Non-Public Arbitrator

Concurring Arbitrators' SignaturesMichael P. Geary
Public Arbitrator, Presiding ChairpersonRussell E. Rains, Esq.
Public Arbitrator

Signature Date

25 Feb '05

Signature Date

William Richard Smith
Non-Public Arbitrator

Signature Date

3/2/05 
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Arbitration No. 04-02648
Award Page 4

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Concurring Arbitrators' Signatures

Michael P. Geary
Public Arbitrator, Presiding Chairperson

Signature Date

Russell E. Rains, Esq.
Public Arbitrator

Signature Date

William Richard Smith
William Richard Smith
Non-Public Arbitrator

Mar 1, 2005
Signature Date

3/2/05 Man
Date of Service (For NASD Dispute Resolution office use only)