

AWARD
NASD Dispute Resolution

In the Matter of the Arbitration Between

Name of Claimant

Ian Hurwitz

and

Case Number: 04-02654
Hearing Site: Houston, Texas

Names of Respondents

Terry L. and John Paul Sarvis

NATURE OF DISPUTE

Associated Person v. Customer

REPRESENTATION OF PARTIES

Ian Hurwitz ("**Claimant**") was represented by Jack D. Ballard, Esq., The Ballard law Firm, Houston, Texas. On or after Daniel R. Kirshbaum, Esq., Axelrod, Smith & Kirshbaum, Houston, Texas.

Terry L. and John Paul Sarvis ("**Respondents**") were represented by Andrew C. Schirrmeister, III, Esq., Schirrmeister Diaz-Arrastia, Houston, Texas.

CASE INFORMATION

The Statement of Claim was filed on or about April 12, 2004. The Submission Agreement of Claimant Ian Hurwitz was signed on or about April 21, 2004.

The Joint Statement of Answer was filed by Respondents, Terry L. and John Paul Sarvis, on or about May 19, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: request for expungement of arbitration from CRD record. The purpose of this proceeding is to obtain the expungement of an arbitration proceeding from Claimant's registration records maintained by NASD Central Registration Depository ("CRD"). The request relates to an arbitration proceeding that has been settled.

Unless specifically admitted in its Answer, Respondents denied the allegations made in the Statement of Claim and opposed the expungement request.

RELIEF REQUESTED

Claimant requested an award in the amount of:

Actual/Compensatory Damages	Unspecified
Attorneys' Fees	Unspecified
Other Costs	Unspecified
Other Monetary Relief	Unspecified
Specific Performance	Expungement

Respondents requested that the expungement request be denied.

OTHER ISSUES CONSIDERED & DECIDED

Respondents, Terry L. and John Paul Sarvis, did not file with the NASD Dispute Resolution a properly executed submission to arbitration but are required to submit to arbitration pursuant to Rule 10301 of the NASD Code of Arbitration Procedure (the "Code") and having answered the claim, appeared and testified at the telephonic hearing are bound by the determination of the arbitration panel on all issues submitted.

On or about November 29, 2004, during the telephonic hearing session, the Panel requested post-hearing briefs from the parties. On or about January 7, 2005, the Panel issued an Order that the request for an expungement would proceed under the new Rule 2130. Base on this ruling, the Panel ordered the parties to submit revised post-hearing briefs no later than January 21, 2005. On or about January 18, 2005, Claimant's counsel filed a Motion for Reconsideration and Withdrawal or Order. On or about January 25, 2005, Respondents' counsel filed their response to the Motion.

On or about March 22, 2005, the Panel issued its final ruling that Claimant's expungement request would proceed under Rule 2130. In addition, the Panel's ruling stated

After careful consideration of the pleadings from both Claimant and Respondents that the fact that the Claimant was not involved in the investment-related sales practice violation, forgery, theft, misappropriation or conversion of funds, the Panel unanimously rules to grant the expungement request to the Claimant Ian Hurwitz.

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 NASD Dispute Resolution ("NASD").

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing and the post-hearing submissions, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

- 1.) The panel recommends the expungement of all reference to the above captioned arbitration from Respondent, Ian Hurwitz's, registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 04-16, Respondent Hurwitz must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;
- 2.) Other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter; and
- 3.) Any relief not specifically enumerated, including punitive damages and attorney fees, is hereby denied 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 = \$ 250.00

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 Wachovia Securities, LLC.

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

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. 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 \$1,000.00 = \$ 1,000.00
Pre-hearing conference: September 3, 2004 1 session

One (1) Hearing session x \$1,000.00 = \$ 1,000.00
Hearing Date: November 29, 2005 1 session

Total Forum Fees = \$ 2,000.00

The Arbitration Panel has assessed \$2,000.00 of the forum fees to Ian Hurwitz.

Fee Summary

Claimant, Ian Hurwitz, is liable for:

Initial Filing Fee	= \$ 250.00
Forum Fees	= \$ 2,000.00
Total Fees	= \$ 2,250.00
Less payments	= \$ 1,250.00
Balance Due NASD Dispute Resolution	= \$ 1,000.00

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

ARBITRATION PANEL

L.E. Machin - Public Arbitrator, Presiding Chair
Mark C. Harwell - Public Arbitrator
John F. Hinrichs - Non-Public Arbitrator

Concurring Arbitrators:

/s/ L.E. Machin
L.E. Machin
Public Arbitrator, Presiding Chair

March 24, 2005
Signature Date

/s/ Mark C. Harwell
Mark C. Harwell
Public Arbitrator

March 24, 2005
Signature Date

John F. Hinrichs
Non-Public Arbitrator

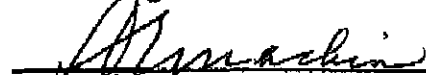
Signature Date

March 24, 2005
Date of Service (For NASD office use only)

ARBITRATION PANEL

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Mark C. Harwell - Public Arbitrator
John F. Hinrichs - Non-Public Arbitrator

Concurring Arbitrators:


L.E. Machin
Public Arbitrator, Presiding Chair

Mar. 24, 2005
Signature Date

Mark C. Harwell
Public Arbitrator

Signature Date

John F. Hinrichs
Non-Public Arbitrator

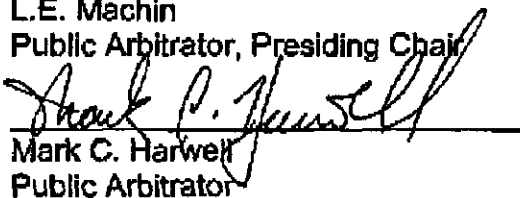
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Concurring Arbitrators:

L.E. Machin
Public Arbitrator, Presiding Chair


Mark C. Harwell
Public Arbitrator

Signature Date

3/24/05

Signature Date

John F. Hinrichs
Non-Public Arbitrator

Signature Date

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Mark C. Harwell - Public Arbitrator
John F. Hinrichs - Non-Public Arbitrator

Concurring Arbitrators:

L.E. Machin
Public Arbitrator, Presiding Chair

Signature Date

Mark C. Harwell
Public Arbitrator

Signature Date

John F. Hinrichs
John F. Hinrichs
Non-Public Arbitrator

25 March 2005
Signature Date

Date of Service (For NASD office use only)