

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

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CASE: 04-03068

Anthony Jack Condon, Claimant v. Advest, Inc. and Charles Machock, Respondents

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**ATTORNEYS:**

For Claimant Anthony Jack Condon ("Claimant") appeared A. Brian McIntosh, Esq., of the firm McIntosh & McIntosh, P.L.L.C., Cincinnati, OH.

For Respondents Advest, Inc. and Charles Machock (collectively "Respondents") appeared Dennis J. Concilla, Esq., Carlile Patchen & Murphy, LLP, Columbus, OH.

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**NATURE OF DISPUTE:** Customer v. Member and Associated Person.

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**DATE FILED:** April 21, 2004.

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**CASE SUMMARY:** Claimant alleged that Respondents breached the contract of services he entered into, made errors with respect to the account, and claimed additional charges that are not representative of his account, committed negligence in the management of his account, and that the supervisors failed to properly supervise. Claimant further alleged that the investment advisor breached his fiduciary, manipulated balances in the accounts for Advest Inc.'s benefit and made inappropriate transfers. Claimant maintained that due to Respondents' actions, his accounts suffered losses. Claimant's claim involved fannie maes.

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**Claim Data**

Claim: \$7,277.16  
Punitive: \$14,000.00  
Interest: Unspecified  
Filing Fees: \$.00  
Other: Unspecified

**Award Data**

Award: \$.00  
Punitive: \$.00  
Interest: \$.00  
Filing Fees: \$212.50  
Other: \$.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 claims of Claimant are dismissed in their entirety. 2) All requests for punitive damages are denied. 3) All requests for attorney fees are denied. 4) All requests for interest are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 7) Respondents are jointly and severally liable and shall pay Claimant \$212.50 as reimbursement of one-half of the filing fee. 8) An initial pre-hearing conference was held on September 2, 2004. The forum fees for this conference call are \$450.00. The forum fees are assessed as follows: Claimant is liable and shall pay to NASD Dispute Resolution forum fees in the amount of \$225.00; Respondents are jointly and severally liable and shall pay to NASD Dispute Resolution forum fees in the amount of \$225.00.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent Advest Inc., has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

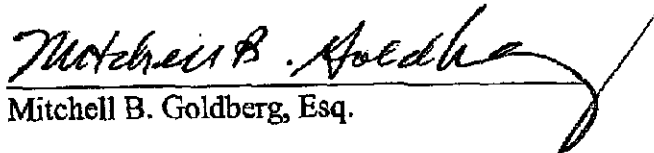
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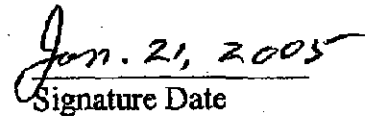
ARBITRATOR

Mitchell B. Goldberg, Esq. - Sole Public Arbitrator

AFFIRMATION

I, Mitchell B. Goldberg, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

  
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Mitchell B. Goldberg, Esq.

  
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Signature Date

January 27, 2005  
Date of Service (For NASD-DR office use only)