
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Lynn-Rose Saltzman
Louis C. Saltzman
Lynn-Rose Saltzman IRA
Marc A. Saltzman and Lynn-Rose Saltzman, JTWROS

Case Number: 04-03180

Names of the Respondents

Gunn Allen Financial, Inc.
Edward Mosionzhnik a/k/a Ed Moss

Hearing Site: Boca Raton, Florida

Nature of the Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

For Lynn-Rose Saltzman, Louis C. Saltzman, Lynn-Rose Saltzman IRA and Marc and Lynn-Rose Saltzman, JTWROS, hereinafter collectively referred to as "Claimants": Jan Douglas Atlas, Esq. and Dale Ledbetter, Esq., Adorno & Yoss, P.A., Fort Lauderdale, Florida.

For Gunn Allen Financial, Inc. ("Gunn Allen") and Edward Mosionzhnik a/k/a Ed Moss ("Mosionzhnik"), hereinafter collectively referred to as "Respondents": Joseph T. King, Esq., Williams Schifino, Tampa, Florida.

CASE INFORMATION

Statement of Claim filed on or about: May 3, 2004.

Claimants Lynn-Rose Saltzman and Lynn-Rose Saltzman IRA signed the Uniform Submission Agreement: March 30, 2004.

Claimants Louis C. Saltzman and Marc A. Saltzman and Lynn-Rose Saltzman, JTWROS signed the Uniform Submission Agreement: March 31, 2004.

Statement of Answer filed by Respondents on or about: July 7, 2004.

Respondent Gunn Allen signed the Uniform Submission Agreement: May 18, 2004.

Respondent Mosionzhnik signed the Uniform Submission Agreement: September 29, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: 1) violation of Florida Statutes, Chapter 517; 2) negligence; 3) breach of fiduciary duty; and, 4) failure to supervise.. The causes of action relate to the purchase of various stocks in Claimants' accounts, including, but not limited to, Atmel Corp., Qlogic Corp., Coinstar, Inc., Amgen, Looksmart, Ltd., Genta, Inc., Alteon, Inc., Dendreon Corp., Xilinx, Inc., Aastrom Bio-Sciences and Skyworks Solutions.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$100,000.00, disgorgement of commissions, charges and fees, costs, expenses and disbursements, punitive damages, opportunity costs, interest, attorney's fees pursuant to Florida Statutes, Chapter 517 and such other and further relief as this Panel deemed just and proper.

Respondents requested that the Statement of Claim be dismissed in its entirety, with prejudice, and an award of costs. Respondents also requested a finding from the Panel that they are the prevailing party in this matter, pursuant to Florida Statutes, Chapter 517.301, entitling them to seek attorneys' fees and costs from a court of competent jurisdiction pursuant to Florida Statutes, Chapter 517.211(6). In addition, Respondents requested that the Panel enter an order expunging this matter from the Central Registration Depository (the "CRD") record of Respondents.

OTHER ISSUES CONSIDERED AND DECIDED

On or about April 27, 2005, the parties notified NASD Dispute Resolution that they had settled this matter with Respondent Gunn Allen and filed a Notice of Dismissal, with prejudice, of Respondent Mosionzhnik. In addition, the parties filed a Stipulated Request for Expungement of the NASD CRD record of Respondent Mosionzhnik. The parties stipulated that, after discovery, it was determined that the Statement of Claim, though filed in good faith and without any intent to harm any person's reputation, contained allegations that were factually erroneous pursuant to NASD Rule 2130(b)(1)(A). Claimants' agree that Respondent Mosionzhnik's Form U-4 and any other NASD CRD record should have all references expunged, based on a variety of factors, including, but not limited to, Claimants' discovery of the absence of specific evidence of wrongdoing. In addition, the parties' stated that said expungement would have no material effect on investor protection, the integrity of the NASD CRD system or regulatory requirements.

The parties have agreed that the Stipulated Award in this matter may be entered in counterpart copies or that a signed handwritten Stipulated Award may be entered.

AWARD

After considering the pleadings and the Stipulated Request for Expungement, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Upon review of the parties' Stipulated Request for Expungement the Panel finds, pursuant to Rule 2130 of the NASD Code of Arbitration Procedure (the "Code"), that the claim, allegation, or information is factually impossible or clearly erroneous. Therefore, the Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Mosionzhnik's Form U-4 registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Mosionzhnik must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the NASD 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	= \$ 225.00
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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, Respondent Gunn Allen is a party to this dispute and was a member of NASD at the time the following fees were assessed:

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

Adjournment Fees

No requests for adjournments were filed in this matter for which fees were assessed.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No cancellation fees were assessed in this matter.

Injunctive Relief Fees

No injunctive relief fees were incurred during this proceeding.

Forum Fees and Assessments

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

One (1) Pre-hearing session with the Panel @ \$750.00	= \$750.00
Pre-hearing conference: September 8, 2004 1 session	
Total Forum Fees	= \$750.00

The Panel has assessed \$375.00 of the forum fees jointly and severally to Claimants.

The Panel has assessed \$375.00 of the forum fees jointly and severally to Respondents.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during this proceeding.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	= \$ 375.00
Total Fees	= \$ 600.00
<u>Less payments</u>	= \$ 600.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Gunn Allen is solely liable for:

<u>Member Fees</u>	= \$ 3,550.00
Total Fees	= \$ 3,550.00
<u>Less payments</u>	= \$ 3,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

<u>Forum Fees</u>	= \$ 375.00
Total Fees	= \$ 375.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 375.00

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

ARBITRATION PANEL

Leslie L. Cooney, Esq.	-	Public Arbitrator, Presiding Chairperson
Judy Avey	-	Public Arbitrator
Michele Y. Garelick	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Leslie L. Cooney, Esq.
Public Arbitrator, Presiding Chairperson

05/10/05
Signature Date

/s/

Judy Avey
Public Arbitrator

05/19/05

Signature Date

/s/

Michele Y. Garelick
Non-Public Arbitrator

05/08/05

Signature Date

05/19/05

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

Administrative Costs

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Leslie L. Cooney, Esq.
Judy Avey
Michele Y. Garelick

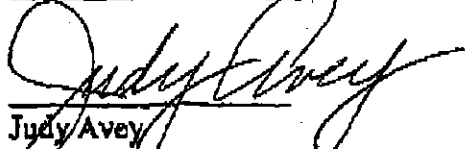
Public Arbitrator, Presiding Chairperson
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures


Leslie L. Cooney, Esq.
Public Arbitrator, Presiding Chairperson


Signature Date

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Judy Avey
Public Arbitrator

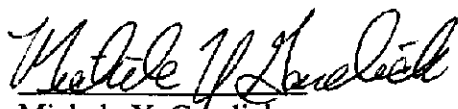
5-19-05
Signature Date

Michele Y. Garelick
Non-Public Arbitrator

Signature Date

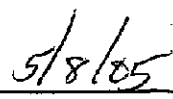
Date of Service (For NASD Dispute Resolution office use only)

Judy Avey
Public Arbitrator



Michele Y. Garelick
Non-Public Arbitrator

Signature Date



Signature Date

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