

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Name of the Claimant
Julia E. Ebron

Case Number: 04-03235

Name of the Respondent
Kenneth E. Labowitz,
Guardian and Conservator for Eloise O'Connor

Hearing Site: Washington, D.C.

Nature of the Dispute: Associated Person v. Customer.

REPRESENTATION OF PARTIES

Claimant, Julia E. Ebron, hereinafter referred to as "Claimant", was represented by Scott T. Beall, Esq., Tate, Lazarini & Beall, PLC, Memphis, Tennessee.

Respondent, Kenneth E. Labowitz, Guardian and Conservator for Eloise O'Connor, hereinafter referred to as "Respondent", represented himself.

CASE INFORMATION

Statement of Claim filed on May 3, 2004.

Claimant signed the Uniform Submission Agreement on July 12, 2004.

Statement of Answer filed by Respondent on October 18, 2004.

Respondent signed the Uniform Submission Agreement on October 15, 2004.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a cause of action for false allegations. The cause of action relates to allegations made in a written complaint against Claimant.

Respondent conceded all of the assertions set forth in the Statement of Claim.

RELIEF REQUESTED

Claimant in the Statement of Claim requested that the Arbitrator order the expungement of all reference to this matter from Claimant's Central Registration Depository ("CRD") record.

Respondent fully endorsed the relief sought by Claimant in her prayer for relief.

OTHER ISSUES CONSIDERED AND DECIDED

The parties in this matter agreed to a decision based on the papers submitted without a hearing on the merits.

AWARD

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

1. The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Claimant Ebron's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Claimant Ebron must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the Arbitrator has made the following affirmative findings of fact:

The claim, allegation, or information is false.

3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
4. Any and all relief not specifically addressed herein is denied in its entirety.

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. Accordingly, Banc of America Investment Services, Inc. is a party.

Member surcharge = \$ 1,500.00

Pre-hearing process fee = \$ 750.00

Fee Summary

1. Claimant is assessed and shall pay:

<u>Initial Filing Fee</u>	= \$ 250.00
<u>Total Fees</u>	= \$ 250.00
<u>Less payments</u>	= \$ 1,500.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 1,250.00

2. Banc of America Investment Services, Inc. is assessed and shall pay:

<u>Member Fees</u>	= \$ 2,250.00
<u>Total Fees</u>	= \$ 2,250.00
<u>Less payments</u>	= \$ 2,250.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 0.00

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

ARBITRATOR

Deanne C. Siemer

Public Arbitrator, Presiding

Arbitrator's Signature

Deanne C. Siemer

Deanne C. Siemer
Public Arbitrator, Presiding

March 3, 2005
Signature Date

March 3, 2005
Date of Service (For NASD Dispute Resolution office use only)