

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Wachovia Securities, LLC

Case Number: 04-03337

Name of the Respondent
Andrew Finder

Hearing Site: Tampa, Florida

Nature of the Dispute: Member vs. Associated Person.

REPRESENTATION OF PARTIES

For Wachovia Securities, LLC, hereinafter referred to as "Claimant": Jonathan E. Levine, Esq., Law Office of Daniel S. Fiore, Arlington, Virginia.

Andrew Finder, hereinafter referred to as "Respondent", did not appear in this matter.

CASE INFORMATION

Statement of Claim filed on or about: May 15, 2004.

Claimant signed the Uniform Submission Agreement: April 19, 2004.

Respondent did not file with NASD Dispute Resolution a Statement of Answer or executed Uniform Submission Agreement.

Motion to Preclude Answer filed on or about: June 30, 2004.

Motion for Default Award filed on or about: November 5, 2004.

CASE SUMMARY

Claimant asserted the cause of action of breach of promissory note. The cause of action relates to the amount owed by Respondent to Claimant pursuant to a loan given to Respondent which is evidenced by a written promissory note signed by Respondent.

RELIEF REQUESTED

Claimant requested that it be granted an award against Respondent in the principal amount of \$90,196.00, interest that had accrued as of January 7, 2004 in the amount of \$638.89, plus interest on the note at the per annum rate of 4.25% that has accrued since January 7, 2004 until paid in full, its attorneys' fees and arbitration costs expended in this matter, and such other relief to which Claimant is entitled.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent did not appear in this matter. Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned arbitrators (the "Panel") determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in

accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent did not file with NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Panel on all issues submitted.

On or about October 7, 2004, the arbitration panel determined to deny Claimant's Motion to Preclude.

By motion dated November 5, 2004, Claimant opted to proceed against Respondent pursuant to Rule 10314(e) of the Code. As stated above, the arbitration panel determined that Respondent was properly served with notice of the Statement of Claim and notification of the arbitration panel by certified mail, and that Respondent is required to submit to arbitration pursuant to the Code and is bound by the determination of the arbitration panel on all issues submitted. Thereafter, on or about December 21, 2004, the arbitration panel issued an order which granted Claimant's Motion for Default Award.

The party who appeared in this matter agreed that the Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings and the Motion for Default Award, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

Respondent is liable and shall pay to Claimant the sum of \$90,196.00, plus interest that had accrued as of January 7, 2004 in the amount of \$638.89, plus interest on the note at the per annum rate of 4.25% that has accrued since January 7, 2004 until the date of payment of the Award.

Any and all claims for relief not specifically addressed herein, including Claimant's requests for costs and attorneys' fees, are 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	= \$1,000.00
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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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

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

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred in this matter.

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 three-day cancellation fees were incurred in this matter.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred in this matter.

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 the Panel @ \$750.00	= \$750.00
Pre-hearing conference: October 7, 2004 1 session	
Forum Fee for deciding the case on the papers submitted	= \$300.00
<hr/> Total Forum Fees	<hr/> = \$1050.00

The Panel has assessed the total forum fees of \$1050.00 to Claimant.

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 are 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 in this matter.

FEE SUMMARY

Claimant is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$3,550.00
Forum Fees	= \$1050.00

Total Fees	= \$5,600.00
Less payments	= \$5,300.00

Balance Due NASD Dispute Resolution	= \$300.00
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All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Albert Roberts	-	Non-Public Arbitrator, Presiding Chair
John W. Platt	-	Non-Public Arbitrator
John Berryman	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

_____/s/_____
Albert Roberts
Non-Public Arbitrator, Presiding Chair

Signature Date

_____/s/_____
John W. Platt
Non-Public Arbitrator

Signature Date

_____/s/_____
John Berryman
Non-Public Arbitrator

Signature Date

December 23, 2004

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

NASD Dispute Resolution

Arbitration No. 04-03337

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FEE SUMMARY**RECEIVED**

[7 2004

Claimant is solely liable for:

Initial Filing Fee

= \$1,000.00 ARBITRATION

Member Fees

= \$3,550.00

Forum Fees

= \$1050.00

Total Fees

= \$5,600.00

Less payments

= \$5,300.00

Balance Due NASD Dispute Resolution

= \$300.00

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ARBITRATION PANEL

Albert Roberts

-

Non-Public Arbitrator, Presiding Chair

John W. Platt

-

Non-Public Arbitrator

John Berryman

-

Non-Public Arbitrator

Concurring Arbitrators' Signatures

Albert Roberts

Non-Public Arbitrator, Presiding Chair

Signature Date

John W. Platt

Non-Public Arbitrator

Signature Date

John Berryman

Non-Public Arbitrator

Signature Date

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

NASD Dispute Resolution

Arbitration No. 04-03397

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FEE SUMMARY

Claimant is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$9,550.00
Forum Fees	= \$1050.00

Total Fees	= \$5,600.00
Less payments	= \$5,300.00

Balance Due NASD Dispute Resolution	= \$300.00
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ARBITRATION PANEL

Albert Roberts	-	Non-Public Arbitrator, Presiding Chair
John W. Platt	-	Non-Public Arbitrator
John Berryman	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Albert Roberts
Non-Public Arbitrator, Presiding Chair



Signature Date

John W. Platt
Non-Public Arbitrator

Signature Date

John Berryman
Non-Public Arbitrator

Signature Date

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

NASD Dispute Resolution
 Arbitration No. 04-03337
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FEE SUMMARY

Claimant is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$3,550.00
Forum Fees	= \$1050.00

Total Fees	= \$5,600.00
Less payments	= \$5,300.00

Balance Due NASD Dispute Resolution	= \$300.00
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ARBITRATION PANEL

Albert Roberts	-	Non-Public Arbitrator, Presiding Chair
John W. Platt	-	Non-Public Arbitrator
John Berryman	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

 Albert Roberts
 Non-Public Arbitrator, Presiding Chair

 Signature Date



 John W. Platt
 Non-Public Arbitrator



 Signature Date

 John Berryman
 Non-Public Arbitrator

 Signature Date

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