

**AWARD**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between

Claimant

Seepaul Lyman

and

Case Number: 04-03566  
Hearing Site: Southfield, Michigan

Respondent

Max International Broker Dealer Corp.

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**NATURE OF DISPUTE**

Customer v. Member

**REPRESENTATION OF PARTIES**

Seepaul Lyman ("Claimant") appeared in pro per.

Max International Broker Dealer Corp. ("Respondent") was represented by Nigel Gilbert, Max International Broker Dealer Corp, New York, New York.

**CASE INFORMATION**

The Statement of Claim was filed on or about May 12, 2004. The Submission Agreement of Seepaul Lyman was signed on or about May 24, 2004.

The Statement of Answer was filed by Max International Broker Dealer Corp. on or about September 1, 2005. The Submission Agreement of Max International Broker Dealer Corp. was signed on or about August 11, 2004, by Nigel Gilbert, President.

**CASE SUMMARY**

Claimant asserted that his account was debited for commission and margin interest which he did not approve or agree to. Claimant asserted that Respondent's broker advised him that no fees or commissions would be charged unless he made a profit. The security purchased in this transaction was AMD.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted defenses including the following: Claimant realized no losses with Respondent; if Claimant maintained the AMD covered call position to maturity, there would have been a profit; and Claimant chose to liquidate his position at a loss.

### **RELIEF REQUESTED**

Claimant requested an award in the amount of \$6,000.00 plus interest of \$323.71.

Respondent requested that the claims asserted against it be denied in their entirety and that it be awarded its costs.

### **OTHER ISSUES CONSIDERED & DECIDED**

The parties have agreed to receive conformed copies of the award while the original remains on file with NASD Dispute Resolution ("NASD").

### **AWARD**

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

- 1.) Respondent, Max International Broker Dealer Corp., is liable for and shall pay to Claimant, Seepaul Lyman, the sum of \$3,500.00 in compensatory damages;
- 2.) Other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter;
- 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 = \$ 75.00

#### **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 Max International Broker Dealer Corp.

Member surcharge = \$ 325.00

**Forum Fees and Assessments**

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

Two (2) Pre-hearing sessions with a single arbitrator x \$250.00	= \$ 500.00
Pre-hearing conferences: December 3, 2004	1 session
January 12, 2005	1 session
Two (2) Hearing sessions x \$250.00	= \$ 500.00
Hearing Date: March 2, 2005	2 sessions
Total Forum Fees	= \$ 1,000.00

The Arbitrator has assessed \$500.00 of the forum fees to Seepaul Lyman.

The Arbitrator has assessed \$500.00 of the forum fees to Max International Broker Dealer Corp.

**Fee Summary**

Claimant, Seepaul Lyman, is liable for:

Initial Filing Fee	= \$ 75.00
Forum Fees	= \$ 500.00
Total Fees	= \$ 575.00
Less payments	= \$ 325.00
Balance Due NASD Dispute Resolution	= \$ 250.00

Respondent, Max International Broker Dealer Corp., is liable for:

Member Fees	= \$ 325.00
Forum Fees	= \$ 500.00
Total Fees	= \$ 825.00
Less payments	= \$ 1,075.00
Balance Refunded by NASD Dispute Resolution	= \$ 250.00

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

**ARBITRATOR**

Francis R. Ortiz, Esq. - Public Arbitrator, Presiding Chair

Arbitrator's Signature:

/s/ Francis R. Ortiz, Esq.  
Francis R. Ortiz, Esq.  
Public Arbitrator, Presiding Chair

03/03/05  
Signature Date

03/03/05  
Date of Service (For NASD office use only)

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## NASD REGULATION

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**ARBITRATOR**

**Francois R. Ortiz, Esq. - Public Arbitrator, Presiding Chair**

Arbitrator's Signature:

**Francis R. Ortiz, Esq.**  
**Public Arbitrator, Presiding Chair**

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