

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Ryan Beck & Co., Inc. (Claimant) v. David Faraca (Respondent)

Case Number: 04-03755

Hearing Site: Boston, Massachusetts

Nature of the Dispute: Member vs. Associated Person

REPRESENTATION OF PARTIES

Claimant Ryan Beck & Co., Inc. hereinafter referred to as "Claimant": Jennifer Woods Burke, Esq., Lubiner & Schmidt, Cranford, NJ.

Respondent David Faraca hereinafter referred to as "Respondent": Grover S. Parnell Jr., Esq., Finneran & Nicholson, P.C, Boston, MA.

CASE INFORMATION

Statement of Claim filed on or about: May 24, 2004.

Claimant signed the Uniform Submission Agreement: May 21, 2004.

Statement of Answer filed by Respondent on or about: October 8, 2004

Respondent signed the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of compensation agreement and promissory notes.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$88,000.00, plus default interest at the rate of 16% from November 19, 2002 to the date of the award, costs of collection, including but not limited to filing fees, costs of this arbitration proceeding, attorneys' fees, and such other relief as the Panel deems just and proper.

Respondent requested that the Statement of Claim be denied, requested attorneys' fees, costs in defense of the claim, and that all forum fees are assessed against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

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

AWARD

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

1. Respondent is liable for and shall pay Claimant compensatory damages in the amount of \$44,000.00.
2. Any and all relief not specifically addressed herein, including interest, is 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

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 persons at the time of the events giving rise to the dispute. Accordingly, Ryan Beck is a party.

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

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 Panel @ \$750.00	= \$ 750.00
Pre-hearing conference: November 29, 2004 1 session	
Two (2) Hearing sessions @ \$750.00	= \$ 1,500.00
Hearing Dates: July 14, 2005 2 sessions	

Total Forum Fees = \$ 2,250.00

1. The Panel has assessed \$1,125.00 of the forum fees to Claimant.
2. The Panel has assessed \$1,125.00 of the forum fees to Respondent.
- 3.

Fee Summary

1. Claimant Ryan Beck is solely liable for:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 3,550.00
<u>Forum Fees</u>	<u>= \$ 1,125.00</u>
Total Fees	= \$ 5,625.00
<u>Less payments</u>	<u>= \$ 3,600.00</u>
Balance Due NASD Dispute Resolution	= \$ 2,075.00

2. Respondent Faraca is solely liable for:

<u>Forum Fees</u>	<u>= \$ 1,125.00</u>
Total Fees	= \$ 1,125.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$ 1,125.00

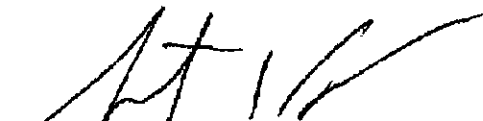
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

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ARBITRATION PANEL

Stephen Z. Frank, Esq.	-	Non-Public Arbitrator, Presiding Chairperson
Michael L. Lentendre	-	Non-Public Arbitrator
Xiomara Corral	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Stephen Z. Frank, Esq.
Non-Public Arbitrator, Presiding Chairperson

8/9/05

Signature Date

Michael L. Lentendre
Non-Public Arbitrator

Signature Date

Xiomara Corral
Non-Public Arbitrator

Signature Date

August 12, 2005

Date of Service (For NASD Dispute Resolution use only)

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Non-Public Arbitrator, Presiding Chairperson

Signature Date



Michael L. Lentendre
Non-Public Arbitrator

8/11/05

Signature Date

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