

**STIPULATED AWARD  
NASD Dispute Resolution**

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In the Matter of the Arbitration Between

Name of Claimant

Aida Babajanian

vs.

Case Number: 04-04900

Hearing Site: Houston, Texas

Name of Respondent

Compass Brokerage, Inc.

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**NATURE OF CASE**

Associated Person vs. Member Firm

**REPRESENTATION OF PARTIES**

Claimant, Aida Babajanian, of Sugar Land, Texas, appeared pro se.

Respondent, Compass Brokerage, Inc., was represented by John W. Lilley, III, Esq., Munsch, Hardt, Kopf & Harr, P.C., Dallas, Texas.

**CASE INFORMATION**

The Statement of Claim was filed on or about July 7, 2004. The Submission Agreement of Claimant was signed on or about July 7, 2004.

The Statement of Answer was filed by Respondent on or about August 23, 2004. The Submission Agreement of Respondent was signed on or about August 23, 2004.

**CASE SUMMARY**

Claimant asserted the following causes of action: Defamation on Form U5 and breach of a written contract relating to the termination of Claimant's association with Respondent.

Respondent denied the allegations made in the Statement of Claim.

**RELIEF REQUESTED**

Actual/Compensatory Damages  
Punitive/Exemplary Damages

Unspecified  
Unspecified

Interest	Unspecified
Attorneys' Fees	Unspecified
Other Costs	Unspecified
Other Monetary Relief	Unspecified
Specific Performance	Expungement

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

Claimant sought expungement and reformation of Respondent's remarks on her Form U5 following the termination of Claimant's association with Respondent. Claimant requested relief that Section 3 of her Form U5 as filed by the Respondent be expunged and that the language be replaced with the following: "Reason for Termination: Voluntary." Claimant further requested that Respondent reimburse her for her filing fee of \$250.00.

Respondent agreed to the relief requested in the above paragraph.

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. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution (the "NASD").

### **AWARD**

After considering the parties' submissions and representations, but without making any findings of fact or conclusions of law, the undersigned arbitrator orders as follows:

- 1.) Based on the defamatory nature of the information contained in the CRD system, Section 3 of the Claimant's Form U5 as filed by the Respondent is ordered expunged and replaced with the following language: "Reason for Termination: Voluntary," with the understanding that pursuant to NASD Notice to Members 99-09, Respondent must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;
- 2.) Respondent shall pay to Claimant the sum of \$250.00 as reimbursement of Claimant's NASD arbitration filing fee; and
- 3.) That 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 = \$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. In this matter, the member firm is Compass Brokerage, Inc.

Member surcharge = \$ 1,500.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$ 2,200.00

#### **Forum Fees and Assessments**

The Arbitration Panel 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:

One (1) Hearing session x \$450.00 = \$ 450.00

Hearing Date: November 15, 2004 1 session

Total Forum Fees = \$ 450.00

The parties have agreed to pay forum fees as follows:

Respondent shall pay \$450.00

### **FEE SUMMARY**

Claimant, Aida Babajanian, is liable for:

Initial Filing Fee = \$ 250.00

Total Fees = \$ 250.00

Less payments = \$ 1,500.00

Refund Due to Claimant = \$ 1,250.00

Respondent, Compass Brokerage, Inc., is liable for:

Member Fees = \$ 4,450.00

Forum Fees	= \$ 450.00
Total Fees	= \$ 4,900.00
Less payments	= \$ 1,500.00
Balance Due NASD Dispute Resolution	= \$ 3,400.00

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

**ARBITRATION PANEL**

Donald K. Eckhardt, Esq. - Public Arbitrator, Presiding Chair

/s/ Donald K. Eckhardt, Esq.  
Donald K. Eckhardt, Esq.  
Public Arbitrator, Presiding Chair

December 10, 2004  
Signature Date


December 10, 2004  
Date of Service (For NASD office use only)

Forum Fees	= \$ 450.00
Total Fees	= \$ 4,900.00
Less payments	= \$ 1,500.00
Balance Due NASD Dispute Resolution	= \$ 3,400.00

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

**ARBITRATION PANEL**

Donald K. Eckhardt, Esq. - Public Arbitrator, Presiding Chair

  
Donald K. Eckhardt, Esq.  
Public Arbitrator, Presiding Chair

12/10/04  
Signature Date

                      
Date of Service (For NASD office use only)