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**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Names of the Claimants  
Om Thapar and Manju Thapar

Case Number: 04-05085

Names of the Respondents  
J. P. Turner and Company, LLC  
Richard M. Berteletti

Hearing Site: Atlanta, Georgia

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Nature of the Dispute: Customer vs. Member and Associated Person.

**REPRESENTATION OF PARTIES**

For Om Thapar ("OT") and Manju Thapar ("MT"), hereinafter collectively referred to as "Claimants": Richard J. Tuneski, Esq., Atlanta, Georgia.

For J. P. Turner and Company, LLC ("JPT") and Richard M. Berteletti ("Berteletti"), hereinafter collectively referred to as "Respondents": Dianne L. Papierniak, Corporate Counsel, J. P. Turner and Company, LLC, Atlanta, Georgia.

**CASE INFORMATION**

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

Claimant OT signed the Uniform Submission Agreement: July 29, 2004.

Statement of Answer filed by Respondent JPT on or about: November 5, 2004.

Respondent JPT signed the Uniform Submission Agreement: November 5, 2004.

Amended Statement of Claim filed by Claimants on or about: November 20, 2004.

Statement of Answer adopted by Respondent Berteletti on or about: September 6, 2005

Claimant MT signed but did not date the Uniform Submission Agreement.

Respondent Berteletti did not file an executed Uniform Submission Agreement.

**CASE SUMMARY**

Claimants asserted the following causes of action: unauthorized trading in violation of Georgia's Blue Sky Regulations; breach of fiduciary duty; and failure to supervise. The causes of action relate to the purchase and sale of shares of JUNIPER GROUP in Claimants' account.

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

**RELIEF REQUESTED**

Claimants requested compensatory damages the amount of \$25,000.00, punitive damages in the amount of \$100,000.00, attorney's fees, costs and such other relief as the arbitrators may deem proper.

Respondents requested that Claimants' Statement of Claim be denied in its entirety, with all costs of this arbitration assessed against Claimants.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Respondent Berteletti did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code"), and having answered the claim and having appeared through counsel, is bound by the determinations of the Panel on all issues submitted.

On or about November 20, 2004, prior to the appointment of the arbitration panel, Claimants filed an unopposed Amended Statement of Claim in order to correct the spelling of the associated person named as a Respondent in this matter from Richard Bertinelli to Richard Bertelletti.

During the evidentiary hearing on or about September 6, 2005, the Panel accepted Respondent Berteletti's adoption of the Statement of Answer filed by Respondent JPT.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Respondents are jointly and severally liable and shall pay to Claimants compensatory damages in the amount of \$6,555.94.

Any and all claims for relief not specifically addressed herein, including Claimants' request for punitive damages and attorney's 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 = \$ 300.00

#### **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 Respondent JPT is a party and a member firm.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

**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 arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with the Panel @ \$1,125.00/session	= \$2,250.00
Pre-hearing conferences:      April 11, 2005      1 session	
April 21, 2005      1 session	
Two (2) Hearing sessions @ \$1,125.00/ session	= \$ 2,250.00
Hearing Date:                      September 6, 2005      2 sessions	
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Total Forum Fees	= \$ 4,500.00

The Panel has assessed the total forum fees of \$4,500.00 jointly and severally to Respondents.

**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**

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	= \$ 0.00
Total Fees	= \$ 300.00
<u>Less payments</u>	= \$ 300.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent JPT is solely liable for:

Member Fees	= \$ 5,200.00
Total Fees	= \$ 5,200.00
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

<u>Forum Fees</u>	= \$ 4,500.00
Total Fees	= \$ 4,500.00
<u>Less payments</u>	= \$ 2,750.00
Balance Due NASD Dispute Resolution	= \$ 1,750.00

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

**ARBITRATION PANEL**

Patrick Emery Longan	-	Public Arbitrator, Presiding Chairperson
Fran L. Rothenberg, Esq.	-	Public Arbitrator
Dan F. Laney, Esq.	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

/s/

09/13/05

Patrick Emery Longan  
Public Arbitrator, Presiding Chairperson

Signature Date

/s/

09/12/05

Fran L. Rothenberg, Esq.  
Public Arbitrator

Signature Date

/s/

09/13/05

Dan F. Laney, Esq.  
Non-Public Arbitrator

Signature Date

September 13, 2005

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

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Arbitration No. 04-05085  
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Concurring Arbitrators' Signatures



Patrick Emery Longan  
Public Arbitrator, Presiding Chairperson

September 13, 2005

Signature Date

Fran L. Rothenberg, Esq.  
Public Arbitrator

Signature Date

Dan F. Laney, Esq.  
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9/12/05  
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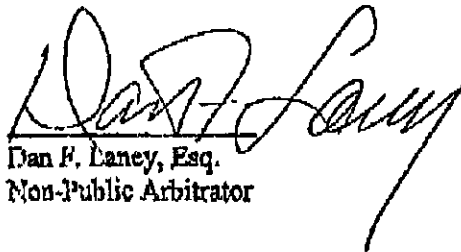
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Patrick Emery Longan  
Public Arbitrator, Presiding Chairperson

Signature Date

Iran L. Rothenberg, Esq.  
Public Arbitrator

Signature Date

  
Dan P. Daney, Esq.  
Non-Public Arbitrator

9/13/05  
Signature Date

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