

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

First Montauk Securities Corp. (Claimant) v. John Iarussi (Respondent)

Case Number: 04-05873

Hearing Site: New York, New York

Nature of the Dispute: Member vs. Associated Person.

REPRESENTATION OF PARTIES

Claimant First Montauk Securities Corp. hereinafter referred to as "Claimant": Joel Levinson, Esq., First Montauk Securities Corp., Red Bank, NJ.

Respondent John Iarussi hereinafter referred to as "Respondent" appeared *pro se*.

CASE INFORMATION

Statement of Claim filed on or about: August 17, 2004.

Claimant signed the Uniform Submission Agreement: August 17, 2004.

Respondent did not file a Statement of Answer or sign the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following cause of action: breach of a Confidentiality and Non-Disclosure Agreement.

RELIEF REQUESTED

Claimant requested damages in the amount of \$15,809.00; interest; costs of collection and costs of this proceeding; and any other relief deemed just and proper by the Panel.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having appeared and testified at the hearing, is bound by the determination of the Arbitrator on all issues submitted.

Respondent participated in the hearing telephonically.

AWARD

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

1. Respondent is liable for and shall pay to Claimant damages in the amount \$15,809.00.
2. Respondent is liable for and shall pay to Claimant cost of collection fees in the amount of \$2,000.00 pursuant to the terms of the employment contract.
3. Respondent is liable for and shall pay to Claimant the sum of \$750.00 to reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution.
4. Any and all relief not specifically addressed herein 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 = \$750.00

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. Accordingly, First Montauk Securities Corp. is a party.
Member surcharge = \$425.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

February 23, 2005, adjournment by Claimant = Waived

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:

February 23, 2005, adjournment by Claimant = Waived

Forum Fees and Assessments

The Arbitrator has assessed forum fees for each session conducted. A 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) Pre-hearing session with the sole arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: December 14, 2004 1 session	
One (1) Hearing sessions @ \$450.00	= \$ 450.00
Hearing Date: April 4, 2005 1 session	
Total Forum Fees	= \$ 900.00

1. The Arbitrator has assessed \$900.00 of the forum fees against Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 750.00
Member Fees	= \$ 425.00
Total Fees	= \$1,175.00
Less payments	= \$1,625.00
Balance Due NASD Dispute Resolution	= \$ 450.00

As stated in the "Award" section above, Respondent is liable for and shall reimburse Claimant for the \$750.00 filing fee.

2. Respondent is solely liable for:

Forum Fees	= \$ 900.00
Total Fees	= \$ 900.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 900.00

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

NASD Dispute Resolution
Arbitration No. 04-05873
Award Page 4 of 4

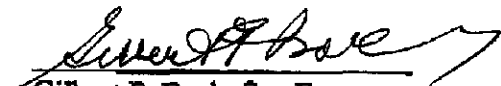
ARBITRATOR

Gilbert F. Bach, Sr., Esq.

Sole Non-Public Arbitrator, Presiding Chairperson

Arbitrator's Signature

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.



Gilbert F. Bach, Sr., Esq.
Sole Non-Public Arbitrator, Presiding Chairperson

4-11-05

Signature Date

April 15, 2005

Date of Service (For NASD Dispute Resolution use only)