

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Donald Pozza (Claimant) vs. TransAmerica Financial Advisors, Inc. f/k/a TransAmerica Financial Resources and Eric King (Respondents)

Case Number: 04-06810

Hearing Site: Cleveland, Ohio

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

REPRESENTATION OF PARTIES

Claimant Donald Pozza hereinafter referred to as "Claimant": Lawrence J. Scanlon, Esq., Michael J. Elliott, Esq., Scanlon & Co., L.L.C., Akron, OH.

Respondents TransAmerica Financial Advisors, Inc. f/k/a TransAmerica Financial Resources ("TransAmerica") and Eric King ("King") hereinafter collectively referred to as "Respondents": Jon A. Jacobson, Esq., Greenberg Traurig, West Palm Beach, FL.

CASE INFORMATION

Statement of Claim filed on or about: September 27, 2004.

Claimant signed the Uniform Submission Agreement: September 14, 2004.

Joint Statement of Answer filed by Respondents on or about: January 14, 2005.

TransAmerica signed the Uniform Submission Agreement: February 2, 2005.

King signed the Uniform Submission Agreement: January 28, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: unsuitability, breach of fiduciary duty, negligence, and failure to supervise. The causes of action relates to unspecified stocks and bonds.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$130,702.00, reasonable attorneys' fees, costs, expenses, and for other legal and equitable relief as the Panel deems appropriate.

Respondents requested the dismissal of the Statement of Claim in its entirety, expungement of the claim from the CRD records of King, assessment of all forum costs against the Claimant, and such other further relief as the Panel deems just and appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

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

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. Claimant's claims are dismissed in their entirety.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Eric King's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 04-16, Respondent Eric King must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130, the arbitration panel has made the following affirmative findings of fact:

The claim, allegation, or information is false.

3. 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	= \$ 300.00
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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, TransAmerica Financial Advisors, Inc. f/k/a TransAmerica Financial Resources is a party.

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

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. 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 @ \$1,125.00 per session = \$ 1,125.00
Pre-hearing conference: April 13, 2005 1 session

Four (4) Hearing sessions @ \$1,125.00 per session = \$ 4,500.00
Hearing Dates: February 7, 2006 2 sessions
February 8, 2006 2 sessions

Total Forum Fees = \$ 5,625.00

The Panel has assessed \$5,625.00 of the forum fees to TransAmerica.

Fee Summary

1. Claimant is solely liable for:

<u>Initial Filing Fee</u>	= \$ 300.00
Total Fees	= \$ 300.00
<u>Less payments</u>	= \$ 1,575.00
Refund Due Claimant	= \$ 1,275.00

2. TransAmerica is solely liable for:

Member Fees	= \$ 5,200.00
<u>Forum Fees</u>	= \$ 5,625.00
Total Fees	= \$ 10,825.00
<u>Less payments</u>	= \$ 7,950.00
Balance Due NASD Dispute Resolution	= \$ 2,875.00

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

ARBITRATION PANEL

Edward F. Siegel, Esq.	-	Public Arbitrator, Presiding Chairperson
Marc A. Winters	-	Public Arbitrator
Warren Gill	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Edward F. Siegel, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Marc A. Winters
Marc A. Winters
Public Arbitrator

2/14/06
Signature Date

Warren Gill
Non-Public Arbitrator

Signature Date

February 16, 2006
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Edward F. Siegel, Esq.	-	Public Arbitrator, Presiding Chairperson
Marc A. Winters	-	Public Arbitrator
Warren Gill	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Edward F. Siegel, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Marc A. Winters
Public Arbitrator

Signature Date



Warren Gill
Non-Public Arbitrator

2-15-06

Signature Date

February 16, 2006

Date of Service (For NASD Dispute Resolution use only)