

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Granite Associates, Inc. (Claimant) v. John Seungwoo Baek (Respondent)

Case Number: 04-07178

Hearing Site: New York, New York

Nature of the Dispute: Member vs. Associated Person.

REPRESENTATION OF PARTIES

Claimant Granite Associates, Inc. ("Granite") hereinafter referred to as "Claimant": Michael P. Gilmore, Esq., Sims Moss Kline & Davis, LLP, Mineola, NY.

Respondent John Seungwoo Baek ("Baek") did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: October 6, 2004.

Claimant signed the Uniform Submission Agreement: September 16, 2004.

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

CASE SUMMARY

Claimant asserted the following cause of action: failure to repay monies owed pursuant to the terms of a promissory note.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$14,670.74; interest at the New York statutory rate of 9%; costs, including all filing and forum fees; and attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrator (the "Arbitrator") determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent did not appear at the pre-hearing conference scheduled for February 28, 2005. A second pre-hearing conference was scheduled for March 7, 2005. Once again, Respondent did not appear. Claimant's counsel appeared on the call and the call proceeded.

The Arbitrator determined: "In light of the fact that Respondent Baek has not appeared twice now combined with his failure to submit a response to Claimant's Statement of Claim, counsel for the Claimant has requested a motion for default. In light of the above, I granted the motion.

The motion calls for repayment of \$14,670.74 representing the unpaid balance on the loan together with associated interest in the amount of \$1,525.75 and attorneys' fees of \$2,500.00 bringing the total to \$18,696.49."

AWARD

After considering the pleadings, and Claimant's motion for default, 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 compensatory damages in the amount of \$14,670.74.
2. Respondent is liable for and shall pay to Claimant interest in the amount of \$1,525.75.
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 = \$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, Granite Associates, Inc. is a party.

Member surcharge = \$425.00

Forum Fees and Assessments

The Arbitrator 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 arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with the sole arbitrator @ \$450.00 = \$900.00
Pre-hearing conferences: February 28, 2005 1 session

	March 7, 2005	1 session	
Total Forum Fees			= \$900.00

1. The Arbitrator has assessed 50% of the forum fees for the March 7, 2005 pre-hearing conference, \$225.00, against Claimant.
2. The Arbitrator has assessed 100% of the forum fees for the February 28, 2005 pre-hearing conference, or \$450.00, and 50% of the forum fees for the March 7, 2005 pre-hearing conference, or \$225.00, for a total of \$675.00 in forum fees, against Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 750.00
Member Fees	= \$ 425.00
Forum Fees	= \$ 225.00
<u>Total Fees</u>	= \$1,400.00
<u>Less payments</u>	= \$1,625.00
Refund Due Claimant	= \$ 225.00

2. Respondent is solely liable for:

Forum Fees	= \$ 675.00
Total Fees	= \$ 675.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 675.00

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

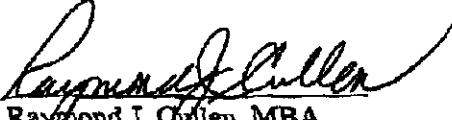
ARBITRATOR

Raymond J. Cullen, MBA

Sole Non-Public Arbitrator

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.


Raymond J. Cullen, MBA
Sole Non-Public Arbitrator

3/9/05
Signature Date

March 10, 2005
Date of Service (For NASD Dispute Resolution use only)