
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Elaine Ozarow
David Ozarow

Case Number: 04-07256

Names of the Respondents

Dreyfus Service Corporation
Walter Blankenhorn

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Elaine Ozarow ("E. Ozarow") and David Ozarow ("D. Ozarow"), hereinafter collectively referred to as "Claimants": Bradford M. Gucciardo, Esq., Scarlett & Gucciardo, P.A., Boca Raton, Florida.

For Dreyfus Service Corporation ("Dreyfus") and Walter Blankenhorn ("Blankenhorn"), hereinafter collectively referred to as "Respondents": Joel S. Forman, Esq. and Terry Eder-Kaufman, Esq., Curtis, Mallet-Prevost, Colt & Mosle, LLP, Miramar, Florida.

CASE INFORMATION

Statement of Claim filed on or about: October 14, 2004.

Claimants signed the Uniform Submission Agreement: October 10, 2004.

Statement of Answer filed by Respondents on or about: December 7, 2004.

Respondent Dreyfus signed the Uniform Submission Agreement: November 16, 2004.

Respondent Blankenhorn signed the Uniform Submission Agreement: October 25, 2004.

Amended Statement of Claim filed by Claimants on or about: March 23, 2005.

Answer to Amended Statement of Claim filed by Respondents on or about: May 23, 2005.

CASE SUMMARY

Claimants alleged the following causes of action: 1) violation of Chapter 517 of the Florida Statutes; 2) Florida common law fraud; 3) breach of fiduciary duty; 4) fraud under Securities Exchange Act Section 10(b) and 15(c)(1)(a) and S.E.C. Rule 10(b)-5 and Rule 10(b)-3; 5) rescission under Section 29(b) of the Securities Exchange Act; 6) violations of NASD Conduct Rule 2120; 7) violation of IM-2310-2, under NASD Conduct Rule 2310; 8) unauthorized transactions; 9) violation of NASD Rule 2510(b); 10) violations of NASD Conduct Rule 2310 and violation of NYSE Rule 405; 11) violation of NASD Conduct Rule 2110; 12) negligence/gross negligence; 13) breach of contract; 14) violations of NASD Conduct Rule 3010(a); 15) respondeat superior; and, 16)

"Controlling Person" liability under Section 20(a) of the Securities Exchange Act. The causes of action relate to investments in, including but not limited to, unspecified mutual funds.

Unless specifically admitted in their Answer, as amended, Respondents denied all allegations of wrongdoing and asserted eighteen affirmative defenses to the claims including, failure to state a claim, that the claims were barred by the receipt of prospectuses, laches, waiver and equitable estoppel, and that any alleged losses were the result of Claimants' own actions and were market driven.

RELIEF REQUESTED

Claimants requested rescissory damages of not less than \$100,000.00; punitive damages in the amount of \$100,000.00; attorneys' fees; pre-judgment interest; costs, including filing fees, hearing session fees and expert witness fees; and, such other relief as the undersigned arbitrators (the "Panel") deemed just and proper.

Respondents requested dismissal of the Statement of Claim in its entirety, with prejudice; an order directing the expungement of the NASD Central Registration Depository ("CRD") records of Respondent Blankenhorn; and, that Claimants be required to reimburse Respondents for defense costs and forum fees.

OTHER ISSUES CONSIDERED AND DECIDED

On or about January 17, 2006, the Claimants filed their notification of settlement of the above-captioned arbitration proceeding with NASD Dispute Resolution.

On or about January 31, 2006, the parties have advised NASD Dispute Resolution and this Panel that the parties without admitting liability have amicably settled this matter. Additionally, the parties submitted a proposed Stipulated Award, wherein the parties requested expungement of the NASD CRD records of Respondent Blankenhorn.

An application for dismissal with prejudice of the arbitration and expungement of all references to this arbitration with Respondent Blankenhorn's records with the NASD CRD has been filed with the Panel by Respondents and with the consent of Claimants.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies, that the parties may receive conformed copies of the Stipulated Award, and that the parties will bear their respective costs and attorneys' fees.

AWARD

After considering the pleadings and having been apprised of the parties' amicable resolution of this matter and joint request that the Panel enter this Stipulated Award, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel dismisses this arbitration proceeding, with prejudice.

The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Blankenhorn's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notice to Members 04-16, Respondent Blankenhorn must obtain confirmation from a court of competent jurisdiction before the NASD 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 factually impossible or clearly erroneous

Each party shall bear its respective costs, including attorneys' fees.

Any and all other claims for relief, which are not addressed specifically in this Stipulated Award, including punitive damages, are denied with prejudice.

FEES

Pursuant to the NASD Code of Arbitration Procedure (the "Code"), the following fees are assessed:

Filing Fees

NASD 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 person at the time of the events giving rise to the dispute. Accordingly, Respondent Dreyfus is a member firm and a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$2,750.00</u>
Total	= \$5,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournments requested during these proceedings for which fees were assessed.

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:

There were no three-day cancellation fees assessed during these proceedings.

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.

There were no injunctive relief fees assessed during these proceedings.

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:

One (1) Pre-hearing session with Panel @ \$1,125.00 per session	= \$1,125.00
Pre-hearing conference: February 16, 2005 1 session	
One (1) Decision on discovery-related motions on the papers	
with (1) One arbitrator @ \$200.00 October 19, 2005	= \$ 200.00

Total Forum Fees	= \$1,325.00
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The Panel has assessed \$662.50 of the forum fees to Claimants, jointly and severally.
The Panel has assessed \$662.50 of the forum fees to Respondents, jointly and severally.

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 not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 662.50

Total Fees	= \$ 962.50
<u>Less payments</u>	= \$ 962.50
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent MLPFS is liable for:

<u>Member Fees</u>	= \$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>	= \$ 662.50
Total Fees	= \$ 662.50
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 662.50

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

ARBITRATION PANEL

Kevin S. Doty, Esq.	-	Public Arbitrator, Presiding Chairperson
David P. Slater, Esq.	-	Public Arbitrator
Michael William Landsberg	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Kevin S. Doty, Esq.
Public Arbitrator, Presiding Chairperson

February 3, 2006
Signature Date

/s/
David P. Slater, Esq.
Public Arbitrator

February 4, 2006
Signature Date

/s/
Michael William Landsberg
Non-Public Arbitrator

February 3, 2006
Signature Date

February 6, 2006
Date of Service (For NASD Dispute Resolution office use only)

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Arbitration No. 04-07256
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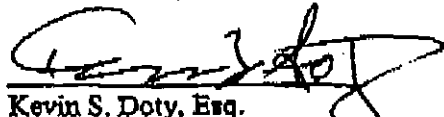
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Concurring Arbitrators' Signatures



Kevin S. Doty, Esq.
Public Arbitrator, Presiding Chairperson

3 Feb 2006
Signature Date

David P. Slater, Esq.
Public Arbitrator

Signature Date

Michael William Landsberg
Non-Public Arbitrator

Signature Date

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NASD Dispute Resolution
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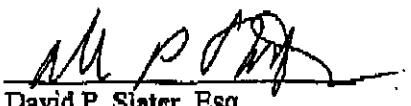
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David P. Slater, Esq.	-	Public Arbitrator
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Concurring Arbitrators' Signatures

Kevin S. Doty, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



David P. Slater, Esq.
Public Arbitrator



Signature Date

Michael William Landsberg
Non-Public Arbitrator

Signature Date

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

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Concurring Arbitrators' Signatures

Kevin S. Doty, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

David P. Slater, Esq.
Public Arbitrator

Signature Date



Michael William Landsberg
Non-Public Arbitrator

2/5/06

Signature Date

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