
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Capital Growth Financial, LLC
f/k/a/ CGF Securities, LLC

Case Number: 04-07261

Name of the Respondent
Scott Weissman

Hearing Site: Boca Raton, Florida

Nature of the Dispute: Member vs. Associated Person.

REPRESENTATION OF PARTIES

For Capital Growth Financial, LLC, hereinafter referred to as "Claimant": Delmar C. Gowing, III, Esq., Delmar C. Gowing, III, P.A., Ocean Ridge, Florida.

Respondent Scott Weissman, hereinafter referred to as "Respondent", appeared pro se.

CASE INFORMATION

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

Claimant signed the Uniform Submission Agreement: September 28, 2004.

Respondent did not file a Statement of Answer.

Respondent did not file with NASD Dispute Resolution an executed Uniform Submission Agreement.

CASE SUMMARY

Claimant alleged the following causes of action: breach of contract, and breach of promissory note.

The causes of action relate to an employment agreement and a Promissory Note executed between the parties.

RELIEF REQUESTED

Claimant requested an award against Respondent for \$27,500.00, plus interest, costs, attorneys' fees and for such other relief that the Panel may deem proper and appropriate in the circumstances.

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 NASD Code of Arbitration Procedure (the "Code").

On or about April 7, 2005, Claimant notified NASD Dispute Resolution that the parties had settled this arbitration proceeding and Claimant filed with NASD Dispute Resolution a Settlement Agreement and Mutual

Release.

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

AWARD

After considering the pleadings and the Settlement Agreement and Mutual Release, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

The parties have entered into a settlement agreement. If Respondent makes timely payments in accordance with the Settlement Agreement and Mutual Release executed by the parties, this matter will be dismissed with prejudice on or about March 15, 2006. Should Respondent fail to pay Claimant, Claimant will notify NASD-Dispute Resolution of the default and shall be awarded the amount of \$27,500.00 less payments made to date by Respondent.

FEES

Pursuant to 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	= \$1,000.00
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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, Claimant is a member firm and a party.

Member surcharge	= \$ 600.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$ 1,000.00</u>
Total Member Fees	= \$ 2,350.00

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:

Three-day cancellation fees were not assessed 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.

There were no injunctive relief fees assessed during these proceedings.

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

Two (2) Pre-hearing session with a single Arbitrator @ \$450.00 per session	= \$ 900.00
Pre-hearing conference: March 3, 2005 1 session	
April 7, 2005 1 session	
<hr/> Total Forum Fees	<hr/> = \$ 900.00

The Arbitrator has assessed forum fees of \$450.00 to Claimant.

The Arbitrator has assessed forum fees of \$450.00 to Respondent.

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

Claimant is solely liable for:

Member Fees	= \$2,350.00
Forum Fees	= \$ 450.00
Initial Filing Fee	= \$1,000.00
<hr/> Total Fees	<hr/> = \$3,800.00
Less payments	= \$2,800.00
Balance Due NASD Dispute Resolution	= \$1,000.00

Respondent is solely liable for:

Forum Fees	= \$ 450.00
<hr/> Total Fees	<hr/> = \$ 450.00
Less payments	= \$ 0.00

Balance Due NASD Dispute Resolution

= \$ 450.00

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

ARBITRATOR

S. William Gersten

Non-Public Arbitrator, Presiding Chairperson

Arbitrator's Signature

_____/s/_____
S. William Gersten
Non-Public Arbitrator, Presiding Chairperson

Signature Date

April 13, 2005
Date of Service (For NASD Dispute Resolution office use only)

APR. 12. 2005 10:38AM

NASD

NO. 694

P. 5

NASD Dispute Resolution
Arbitration No. 04-07261
Stipulated Award Page 4

Balance Due NASD Dispute Resolution

= \$ 450.00

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

ARBITRATOR

S. William Gersten

Non-Public Arbitrator, Presiding Chairperson

Arbitrator's Signature
S. William Gersten

Non-Public Arbitrator, Presiding Chairperson


Signature DateDate of Service (For NASD Dispute Resolution office use only)

ATT Cheryl Bernstein