

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Giuseppe and Isabella Soldano (Claimants) v. First Montauk Securities Corp. (Respondent)

Case Number: 04-07379

Hearing Site: New York City, New York

Nature of the Dispute: Customers v. Member

REPRESENTATION OF PARTIES

Claimants Giuseppe Soldano ("G. Soldano") and Isabella Soldano ("I. Soldano"), hereinafter collectively referred to as "Claimants": Brian Kennedy Esq., Law Office of Brian Kennedy, New York NY.

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

CASE INFORMATION

Statement of Claim filed on or about: October 18, 2004.

Claimant G. Soldano signed the Uniform Submission Agreement: October 6, 2004.

Claimant I. Soldano signed the Uniform Submission Agreement: October 6, 2004.

Statement of Answer filed by Respondent on or about: December 13, 2004.

Respondent signed the Uniform Submission Agreement: December 13, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: breach of contract, negligence, breach of fiduciary duty, fraud, respondeat superior, and failure to supervise. The causes of action relate to margin accounts, speculative and risk securities and options, involving United Microelectronics Corp., 3 Com Corp., Triquint Semiconductor Inc., Internet Cap Group Inc., Ivanhoe Energy Inc., China Yuchai International Ltd., Motorola Inc., Sirius Satellite Radio Inc., and Genta Inc.

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

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$100,000.00, punitive damages in the amount of \$300,000.00, attorneys' fees, damages for lost opportunity investments, filing fees, disbursements, and such other and further relief as the Panel deems just and proper.

Respondent requested that the Statement of Claim be dismissed in its entirety, and for such other relief as the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

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

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. Respondent is liable for and shall pay to Claimants compensatory damages in the amount of \$70,020.00.
2. Any and all relief not specifically addressed herein, including punitive damages, 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
--------------------------	-------------

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	= \$ 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. 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 = \$ 1,125.00
Pre-hearing conferences: April 12, 2005 1 session

Six (6) Hearing sessions @ \$1,125.00 = \$ 6,750.00

Hearing Dates: October 18, 2005 2 sessions
October 19, 2005 2 sessions
October 20, 2005 2 sessions

Total Forum Fees = \$ 7,875.00

1. The Panel has assessed \$7,875.00 of the forum fees to Respondent.

Fee Summary

1. Claimants are solely liable for:

<u>Initial Filing Fee</u>	= \$ 300.00
<u>Total Fees</u>	= \$ 300.00
<u>Less payments</u>	= \$ 1,425.00
<u>Refund Due Claimants</u>	= \$ 1,125.00

2. Respondent is solely liable for:

<u>Member Fees</u>	= \$ 5,200.00
<u>Forum Fees</u>	= \$ 7,875.00
<u>Total Fees</u>	= \$ 13,075.00
<u>Less payments</u>	= \$ 5,200.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 7,875.00

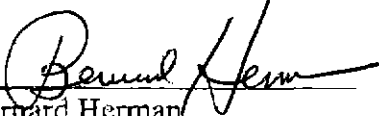
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Bernard Herman	-	Public Arbitrator, Presiding Chairperson
Charles L. Prothero III, Esq.	-	Public Arbitrator
Joan Marie Chiusano	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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.



Bernard Herman
Public Arbitrator, Presiding Chairperson

Oct 24 2005
Signature Date

Charles L. Prothero III, Esq.
Public Arbitrator

Signature Date

Joan Marie Chiusano
Non-Public Arbitrator

Signature Date

October 31, 2005

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Bernard Herman	-	Public Arbitrator, Presiding Chairperson
Charles L. Prothero III, Esq.	-	Public Arbitrator
Joan Marie Chiusano	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

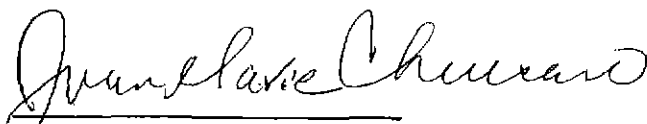
I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

Bernard Herman
Public Arbitrator, Presiding Chairperson

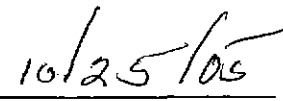
Signature Date

Charles L. Prothero III, Esq.
Public Arbitrator

Signature Date



Joan Marie Chiusano
Non-Public Arbitrator



Signature Date

October 31, 2005
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

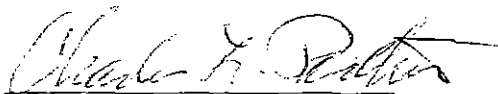
Bernard Herman	-	Public Arbitrator, Presiding Chairperson
Charles L. Prothero III, Esq.	-	Public Arbitrator
Joan Marie Chiusano	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

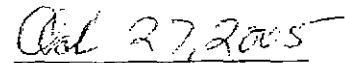
I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

Bernard Herman
Public Arbitrator, Presiding Chairperson

Signature Date



Charles L. Prothero III, Esq.
Public Arbitrator



Signature Date

Joan Marie Chiusano
Non-Public Arbitrator

Signature Date



Date of Service (For NASD Dispute Resolution use only)