

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

James J. Howard

Case Number: 04-07712

Names of the Respondents

CBIZ Financial Solutions, Inc.

Regis Francis Larkin

Joyce Kay Lapp

Hearing Site: Raleigh, North Carolina

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

REPRESENTATION OF PARTIES

Claimant, James J. Howard, hereinafter referred to as "Claimant", was represented by Michael A. Green, Esq., Attorney at Law, Wilmington, North Carolina.

Respondents, CBIZ Financial Solutions, Inc. ("CBIZ"), Regis Francis Larkin ("Larkin") and Joyce K. Lapp ("Lapp"), hereinafter collectively referred to as "Respondents", were represented by Joseph S. Simms, Esq., Ulmer & Berne LLP, Cleveland, Ohio.

CASE INFORMATION

Statement of Claim filed on November 5, 2004.

Claimant signed the Uniform Submission Agreement on November 3, 2004.

Statement of Answer and Motion to Dismiss filed by Respondents on December 30, 2004.

A representative of Respondent CBIZ executed the Uniform Submission Agreement on December 29, 2004.

Respondent Larkin signed the Uniform Submission Agreement on February 3, 2005.

Respondent Lapp signed the Uniform Submission Agreement on December 27, 2004.

Claimant filed a Memorandum in Opposition to Respondents' Motion to Dismiss on February 1, 2005.

Respondents filed a Reply Brief in Support of their Motion to Dismiss on February 25, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: unsuitability; over-concentration; breach of fiduciary duty; negligence; negligent misrepresentation; failure to supervise; *respondent superior*; The causes of action relate to the violation of North Carolina's Security Act relating to a joint account and a Profit Sharing Account Claimant maintained at CBIZ Financial Solutions, Inc.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: failure to state a claim upon which relief may be granted; Claimant suffered no damages; Claimant's claims are barred by the statute of limitations; Respondents did not owe fiduciary duties to Claimant; all recommendations were suitable; and Claimant ratified his investments.

RELIEF REQUESTED

Claimant in the Statement of Claim requested:

Compensatory Damages	\$ 434,540.80
Punitive Damages	amount unspecified
Interest	amount unspecified
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified

Respondents in their Statement of Answer requested that the Statement of Claim be dismissed in its entirety, expungement of all references to the Statement of Claim and the allegations therein from Respondents Larkin and Lapp's Central Registration Depository ("CRD") records, that they be awarded costs, forum fees, and that attorney's fees be assessed against the Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

Prior to the hearing, the Parties fully and finally settled all claims by and between them. Therefore, the Parties submit this Stipulated Award to the Arbitration Panel (the "Panel") for its consideration and request that it be entered.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies.

AWARD

Pursuant to the above, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The listed parties have amicably resolved their differences and have requested this Stipulated Award;
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondents Larkin and Lapp's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondents Larkin and Lapp 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 of the NASD Code of Arbitration Procedure, the arbitration panel has made the following affirmative findings of fact:

The registered persons were not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds;

3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
4. Any and all relief not specifically addressed herein, including punitive damages is denied in its entirety.

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 firms that employed the associated person(s) at the time of the events giving rise to the dispute. Accordingly, Respondent CBIZ is a party.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,750.00
Total Member Fees	= \$ 5,200.00

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 conference: April 13, 2005 1 session	
Total Forum Fees	= \$ 1,125.00

1. The Panel has assessed \$ 562.50 of the forum fees to Claimant.
2. The Panel has assessed \$ 562.50 of the forum fees jointly and severally to Respondents.

SEE SUMMARY

1. Claimants are jointly and severally assessed and shall pay the following fees:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 562.50
Total Fees	= \$ 862.50
Less payments	= \$ 1,425.00
Refund owed to Claimant	= \$ 562.50

2. Respondent CBIZ is assessed and shall pay the following fees:

Member Fees	= \$ 5,200.00
Total Fees	= \$ 5,200.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are jointly and severally assessed and shall pay the following fees:


Forum Fees	= \$ 562.50
Total Fees	= \$ 562.50
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 562.50

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

ARBITRATION PANEL

Leon Henderson, Jr., Esq.	-	Public Arbitrator, Presiding Chairperson
Lynne T. Albert, Esq.	-	Public Arbitrator, Panelist
John D. Robb	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures


Leon Henderson, Jr., Esq.
Public Arbitrator, Presiding Chairperson

1/11/06
Signature Date

Lynne T. Albert, Esq.
Public Arbitrator, Panelist

Signature Date

John D. Robb
Non-Public Arbitrator, Panelist

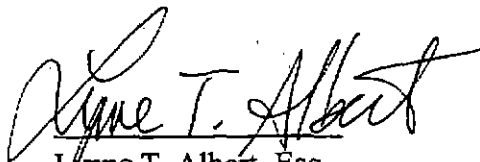
Signature Date

January 19, 2006
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Leon Henderson, Jr., Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Lynne T. Albert, Esq.
Public Arbitrator, Panelist

1/17/06

Signature Date

John D. Robb
Non-Public Arbitrator, Panelist

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