

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between: _____

Juan-Carlos Lonza (Claimant) vs. NYPPE, LLC f/k/a Allen Capital Group (Respondent)

Case Number: 04-07939

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Member.

REPRESENTATION OF PARTIES

Claimant Juan-Carlos Lonza hereinafter referred to as "Claimant": Paul B. Garland, Esq., New York, NY.

Respondent NYPPE, LLC f/k/a Allen Capital Group hereinafter referred to as "Respondent": Jonathan D. Berg, Esq., Law Offices of Jonathan Kord Lagemann, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: November 16, 2004.

Claimant signed the Uniform Submission Agreement: September 30, 2004.

Statement of Answer and Counterclaim filed by Respondent on or about: March 16, 2006.

Respondent signed the Uniform Submission Agreement: April 12, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: failure to pay commissions owed.

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

In its Counterclaim Respondent asserted the following causes of action: breach of NASD Rules 3030 and 3040.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$50,000.00, specific performance and punitive damages.

Respondent requested an Award dismissing the Statement of Claim with prejudice,

unspecified monetary damages and costs, disbursements, fees and 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. The Panel awards Claimant the following warrants as of the dates listed below:

	<u>Dates</u>	<u>Warrants</u>
Jedai	7/16/02	8,000
	11/20/02	54,600
Xanoptix	2/21/03	32,500

Respondent NYPPE, LLC f/k/a Allen Capital Group is directed to provide these warrants to Claimant at his home address within a reasonable period of time not to exceed three (3) months. This Award assumes both entities are in business as of this date. If either company no longer exists, the Panel recognizes that delivery of warrants for that entity is not possible.

2. Respondent's Counterclaim is dismissed in its entirety.
3. 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	= \$ 175.00
Counterclaim filing fee	= \$ 500.00

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 event giving rise to the dispute. Accordingly, NYPPE, LLC f/k/a Allen Capital Group is a party.

Member surcharge	= \$ 875.00
Pre-hearing process fee	= \$ 750.00

Hearing process fee = \$1,000.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. 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 @ \$1,000.00 = \$1,000.00
Pre-hearing conference: February 16, 2006 1 session

Four (4) Hearing sessions @ \$1,000.00 = \$4,000.00
Hearing Dates: June 5, 2006 2 sessions
June 6, 2006 2 sessions

Total Forum Fees = \$5,000.00

1. The Panel has assessed \$2,500.00 of the forum fees to Claimant.
2. The Panel has assessed \$2,500.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 175.00
Forum Fees	= \$2,500.00
Total Fees	= \$2,675.00
Less payments	= \$ 775.00
Balance Due NASD Dispute Resolution	= \$1,900.00
2. Respondent is solely liable for:

Counterclaim Filing Fee	= \$ 500.00
Member Fees	= \$2,625.00
Forum Fees	= \$2,500.00
Total Fees	= \$5,625.00
Less payments	= \$2,625.00
Balance Due NASD Dispute Resolution	= \$3,000.00

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

NASD REGULATION

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ARBITRATION PANEL

Judith C. Greene	-	Non-Public Arbitrator, Presiding Chairperson
Arthur Best	-	Non-Public Arbitrator
James J. McCormack	-	Non-Public Arbitrator

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.

Concurring Arbitrators' Signatures



Judith C. Greene

Non-Public Arbitrator, Presiding Chairperson

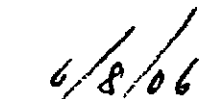


Signature Date



Arthur Best

Non-Public Arbitrator

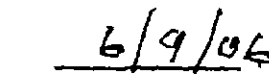


Signature Date



James J. McCormack

Non-Public Arbitrator



Signature Date

June 14, 2006

Date of Service (For NASD Dispute Resolution use only)