

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Apryl A. Thompson, Claimant v. Centaurus Financial, Inc., Respondent

Case Number: 04-08184

Hearing Site: Los Angeles, California

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Nature of the Dispute: Associated Person v. Member

**REPRESENTATION OF PARTIES**

For Claimant:

Michael White, Esq.  
Kelegian White & Reed LLP  
Los Angeles, California

For Respondent:

Dave Lenny, Esq.  
Law Office of Dave Lenny  
Glendale, California

**CASE INFORMATION**

Statement of Claim filed: November 26, 2004

Claimant's Uniform Submission Agreement signed: November 23, 2004

Statement of Answer filed by Respondent: January 21, 2005

Respondent's Uniform Submission Agreement signed: January 14, 2004

**CASE SUMMARY**

Claimant alleged breach of contract, unpaid compensation, and wrongful termination, involving Claimant's employment with Respondent Centaurus Financial, Inc.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

### **RELIEF REQUESTED**

Claimant requested \$72,390.00 for back wages, \$20,000.00 for four months of being unemployed due to wrongful termination, and \$975.00 for arbitration costs.

Respondent requested that Claimant's claim be denied, and costs, including attorney's fees.

### **OTHER ISSUES CONSIDERED AND DECIDED**

On January 21, 2005 and June 7, 2005, Claimant and Claimant's counsel signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

Pursuant to the Code of Arbitration Procedure IM-10100, the waiver of the Claimant shall constitute and operate as a waiver for all member firms and associated persons (including terminated or otherwise inactive member firms or associated persons) against whom the Claim has been filed.

The parties 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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimant's claims are denied in their entirety.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and not expressly granted is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 225.00
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#### **Member Fees**

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Centaurus Financial, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,100.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$ 1,700.00</u>
<b>Total Member Fees</b>	<b>= \$ 3,550.00</b>

#### **Forum Fees and Assessments**

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

1 Pre-hearing conference session with the Panel @ \$750.00/session	= \$ 750.00
Pre-hearing conference: March 10, 2005 1 session	
4 Hearing sessions @ \$750.00/session	= \$ 3,000.00
Hearings: June 6, 2005 2 sessions	
June 7, 2005 2 sessions	
<b>Total Forum Fees</b>	<b>= \$ 3,750.00</b>

1. The Panel assessed \$1,875.00 of the forum fees to Claimant.
2. The Panel assessed \$1,875.00 of the forum fees to Respondent.

**Administrative Costs**

Administrative costs are expenses incurred because a party requested additional services beyond the normal administrative services. These additional services include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, security, and sundry other requests.

Respondent requested 6 photocopies @ \$0.50 each: = \$ 3.00

**Fee Summary**

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$ 1,875.00
Total Fees	= \$ 2,100.00
Less payments	= \$( 975.00)
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 1,125.00</b>

2. Respondent is charged with the following fees and costs:

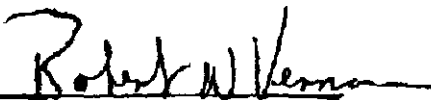
Member Fees	= \$ 3,550.00
Forum Fees	= \$ 1,875.00
Administrative Costs	= \$ 3.00
Total Fees	= \$ 5,428.00
Less payments	= \$(3,550.00)
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 1,878.00</b>

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

**ARBITRATION PANEL**

Robert W. Vernon	-	Public Arbitrator, Presiding Chair
Cathleen M. Cobb	-	Public Arbitrator
Patricia J. Branco	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**



Robert W. Vernon  
Chair, Public Arbitrator

6/9/2005  
Signature Date

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Cathleen M. Cobb  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Patricia J. Branco  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

6/9/05  
Date of Service

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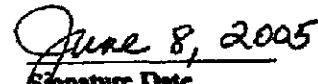
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