

**AWARD
NASD DISPUTE RESOLUTION**

In the Matter of the Arbitration Between:

Vernal Miller, as Trustee of the Miller Family Trust,
Claimant,

vs.

Case Number: 04-08446

Essex & York, Inc.; Delta Asset Management;
Robert J. Shoblock; and, Blake Justin Shanaphy,
Respondents

SITUS: Wichita, Kansas

NATURE OF DISPUTE: Public Customer vs. Member Firm, Terminated Member Firm,
Associated Persons.

REPRESENTATION OF PARTIES:

Vernal Miller, as Trustee of the Miller Family Trust hereinafter referred to as "Claimant": Brian W. Woods, Esq., of Woods Law Office, LLC, located in Hesston, Kansas.

Respondent Essex & York, Inc. ("Essex") was represented by Marat Beksultanov of Essex & York, Inc., located in New York, New York.

Respondent Delta Asset Management did not enter an appearance in this matter.

Respondents Robert J. Shoblock ("Shoblock") and Blake Justin Shanaphy ("Shanaphy") both appeared pro se.

DATE FILED: December 13, 2004.

CASE SUMMARY:

Claimant alleged that Respondents placed him into stocks and warrants that were unsuitable for him given his age and circumstances.

CLAIM DATA:

Claim:	\$110,567.00
Punitive:	\$110,000.00
Other:	Unspecified

AWARD DATA:

Award:	\$110,567.00
Punitive:	\$110,000.00
Other:	\$0.00

OTHER ISSUES:

On or about January 31, 2005, Claimant withdrew all claims against Respondents Essex & York, Inc. and Blake Justin Shanaphy.

On October 10, 2005, Claimant dismissed with prejudice all claims against Respondent Robert J. Shoblock.

By Motion dated October 10, 2005, Claimant opted to proceed against Respondent Delta Asset Management pursuant to Rule 10314(e) of the *NASD Code of Arbitration Procedure* ("Code"). The arbitrator determined that Respondent Delta Asset Management was properly served notice of the Statement of Claim and Notification of the Arbitrator by certified mail, and that Respondent Delta Asset Management is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Respondent Delta Asset Management is liable for and shall pay to the Claimant, Vernal Miller, as Trustee of the Miller Family Trust, the sum of 110,567.00 as compensatory damages, plus interest at the rate of 15% per annum accruing from August 13, 2002 until the sum is paid in full;
2. Respondent Delta Asset Management is liable for and shall pay to the Claimant, Vernal Miller, as Trustee of the Miller Family Trust, the sum of 110,000.00 as punitive damages. In deciding to award punitive damages, the Arbitrator considered the pleadings filed by the parties, and in particular the allegations of fraud and breach of fiduciary duty, and determined that authority existed for an award of punitive damages;
3. Respondent Delta Asset Management is liable for and shall pay to the Claimant, Vernal Miller, as Trustee of the Miller Family Trust, the sum of \$300.00 as reimbursement of the non-refundable claim filing fee;
4. The parties shall bear their own costs of arbitration, including any attorneys' fees, except for those sums specifically enumerated herein; and,
5. Any relief not specifically awarded is hereby denied.

FEE SUMMARY:

NASD Dispute Resolution shall retain the \$300.00 filing fee previously deposited by Claimant Vernal Miller, as Trustee of the Miller Family Trust.

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, Essex & York, Inc. and Delta Asset Management were both parties, or employed a Respondent, and the following member fees were assessed:

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

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed: None.

Forum Fees

Total forum fees are assessed at \$1,125.00 for the pre-hearing conference of May 23, 2005 and \$300.00 for the single arbitrator decision of the default award, for a total of \$1,425.00.

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The arbitrator assessed \$712.50 of the forum fees against Claimant Vernal Miller, as Trustee of the Miller Family Trust.

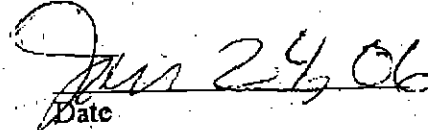
The arbitrator assessed \$712.50 of the forum fees against Respondent Delta Asset Management.

ARBITRATION PANEL:

Diane A. Nygaard

Sole Public Arbitrator


Diane A. Nygaard


Date

Date served by NASD Dispute Resolution: 1/25/06 UN