

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-08759

David Lerner Associates, Inc. (Claimant) v. David Samalin (Respondent)

ATTORNEYS:

For Claimant David Lerner Associates, Inc. ("Claimant") appeared Thomas J. Rhule, previously Joseph C. Pickard, Esq., in-house counsel, David Lerner Associates, Inc., Syosset, NY.

Respondent David Samalin ("Respondent") did not submit a Statement of Answer in this matter.

NATURE OF DISPUTE: Member v. Associated Person.

DATE FILED: December 14, 2004.

CASE SUMMARY: Claimant alleged that Respondent breached the terms of the Account Executive Agreement that he executed. Claimant maintained that due to Respondent's actions, the corporation suffered a loss.

Claim Data

Claim: \$19,249.89
Claim: No solicitation
Claim: Return records and purge/destroy records
Filing Fees: Unspecified
Other: Unspecified
Interest: \$0.00

Award Data

Award: \$1,500.00
Claim: Denied
Claim: Denied
Filing Fees: \$0.00
Other: \$0.00
Interest: 7% per annum July 1, 2005-
date of payment of award.

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable for and shall pay Claimant \$1,500.00. 2) Respondent is liable for and shall pay Claimant interest at the rate of 7% per annum from July 1, 2005 until date of payment of award. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$1,050.00 filing fee that the Claimant deposited previously.

OTHER FEES: Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

OTHER ISSUES: Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent was served notice of the Statement of Claim and Notification of Arbitrator by regular mail, and Overdue Notice by certified mail and is therefore bound by the arbitrator's ruling and determination.

Page Two
Award 04-08759

Peter Bennett, Esq.

- Sole Non-Public Arbitrator

AFFIRMATION

I, Peter Bennett, Esq., 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.



Peter Bennett, Esq.



Signature Date

June 15, 2005

Date of Service (For NASD-DR office use only)