

**STIPULATED AWARD
NASD Dispute Resolution**

In the Matter of the Arbitration Between

Name of Claimant

Alfred A. Tavoletti

and

05-00044
Chicago, Illinois

Name of Respondents

Amerivet Securities, Inc.
Martin Cabrera, Jr.

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

REPRESENTATION OF PARTIES

Alfred A. Tavoletti ("**Claimant**") was represented by Andrew Stoltmann, Esq., Stoltmann Law Offices, Chicago, Illinois.

Amerivet Securities, Inc. ("**Respondent Amerivet**") was represented by Elton Johnson, Jr., Amerivet Securiteies, Inc., Inglewood, California.

Martin Cabrera, Jr. ("**Respondent Cabrera**") was represented by Arthur W. Hahn, Esq., Christian T. Kemnitz, Esq., and Ferris J. Hussein, Esq., Katten Muchin Rosenman LLP, Chicago, Illinois.

CASE INFORMATION

The Statement of Claim was filed on or about December 16, 2004. Submission Agreement of Claimant Alfred A. Tavoletti was signed on or about December 13, 2004.

Answer and Motion to Dismiss was filed by Respondent Martin Cabrera, Jr. on or about April 8, 2005. Submission Agreement of Respondent Martin Cabrera, Jr. was signed on or about April 15, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: (1) unsuitable investment recommendations; (2) violations of the Illinois Securities Act; (3) violations of the Illinois Consumer Fraud and Deceptive Trade Practices Act; (4) violations of the rules of the NASD; (5) violations of Illinois common law regarding fraud, negligence, breach of fiduciary duty, breach of contract and constructive fraud.

Unless specifically admitted in its Answer, Respondent denied the allegations of wrongdoing set forth in the Statement of Claim and asserted the following defenses: failure to state a claim for relief; the claims were barred under the equitable doctrines of estoppel, laches, waiver, unclean hands, set-off and ratification; assumption of risk; failure to mitigate damages; the claims were barred the statutes of limitation and to the extent they sought recover beyond Claimant's actual damages.

On December 8, 2005, Claimant dismissed all claims against Respondent with prejudice.

RELIEF REQUESTED

Claimant requested actual damages in excess of \$85,000 and an unspecified amount for punitive damages and attorneys' fees.

Respondent requested dismissal of the Statement of Claim in its entirety, expunging the claim from Martin Cabrera, Jr.'s record, and an award of its respective costs and expenses.

OTHER ISSUES CONSIDERED & DECIDED

Claimant Alfred A. Tavoletti dismissed Respondent Amerivet Securities, Inc. on or about April 21, 2005.

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 Panel for consideration and request that it be entered.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Stipulated Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution (the "NASD").

AWARD

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, after considering the submission of the parties and the testimony presented the written stipulation thereto, the Panel enters this award granting the following relief:

1. This matter has been settled pursuant to a confidential settlement agreement between the Claimant Alfred A. Tavoletti and Respondent Martin Cabrera, Jr.

2. The Panel affirmatively finds that Martin Cabrera, Jr. was not involved in any of the alleged investment-related violations and therefore recommends the expungement of all reference to the above captioned arbitration from Martin Cabrera, Jr.'s registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09, 99-54, and 04-16, Martin J. Cabrera, Jr. must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

- a) 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.
- b) Pursuant to Rule 2130, the arbitration panel has made the following affirmative findings of fact:

The registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds.

- 3. That each party shall bear its, his, her, or their own attorneys' fees and costs.
- 4. That any relief not specifically enumerated, including punitive damages and attorneys fees, is hereby denied with prejudice.
- 5. That to the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied with prejudice.
- 6. Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys fees, not specifically awarded or otherwise provided for above.

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	= \$225.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm(s) is Amerivet Securities, Inc.

Member surcharge	\$	1,100.00
Pre-hearing process fee	\$	750.00
Hearing process fee	\$	1,700.00
Total Member Fees	\$	<u>3,550.00</u>

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

2	Pre-hearing session(s) with Panel	x	750.00	\$	1,500.00
	May 25, 2005	1	session		
	July 25, 2005	1	session		
1	Hearing session	x	750.00	\$	750.00
	July 31, 2006	1	session		
	Total Forum Fees			\$	<u>2,250.00</u>

The Arbitration Panel has assessed \$750.00 of the forum fees to Alfred A. Tavoletti.
The Arbitration Panel has assessed \$1500.00 of the forum fees to Martin Cabrera, Jr.

Fee Summary

Claimant, Alfred A. Tavoletti, is liable for:

Initial Filing Fee	= \$	225.00
<u>Forum Fees</u>	= \$	750.00
Total Fees	= \$	975.00
<u>Less payments</u>	= \$	<u>-975.00</u>
Balance Due NASD Dispute Resolution	= \$	0.00

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Respondent, Amerivet Securities, Inc. is liable for:

<u>Forum Fees</u>	= \$	3,550.00
<u>Total Fees</u>	= \$	3,550.00
<u>Less payments</u>	= \$	-0.00
Balance Due NASD Dispute Resolution	= \$	3,550.00

Respondent, Martin Cabrera, Jr. is liable for:

<u>Forum Fees</u>	= \$	1500.00
<u>Total Fees</u>	= \$	750.00
<u>Less payments</u>	= \$	-750.00
Balance Due NASD Dispute Resolution	= \$	750.00

All balances are due to NASD Dispute Resolution

ARBITRATION PANEL

Leonard Arthur Nelson - Public Arbitrator, Presiding Chair
 Joan M. Hill - Public Arbitrator
 Martin Liebman - Non-Public Arbitrator

Concurring Arbitrators:

Leonard Arthur Nelson
 Leonard Arthur Nelson
 Public Arbitrator, Presiding Chair

July 31, 2006
 Signature Date

Joan M. Hill
 Joan M. Hill
 Public Arbitrator

Signature Date

Martin Liebman
 Martin Liebman
 Non-Public Arbitrator

Signature Date

8/1/06
 Date of Service (For NASD office use only)

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Respondent, Amerivet Securities, Inc. is liable for:

<u>Forum Fees</u>	= \$	3,550.00
<u>Total Fees</u>	= \$	3,550.00
<u>Less payments</u>	= \$	-0.00
Balance Due NASD Dispute Resolution	= \$	3,550.00

Respondent, Martin Cabrera, Jr. is liable for:

<u>Forum Fees</u>	= \$	1500.00
<u>Total Fees</u>	= \$	750.00
<u>Less payments</u>	= \$	-750.00
Balance Due NASD Dispute Resolution	= \$	750.00

All balances are due to NASD Dispute Resolution

ARBITRATION PANEL

Leonard Arthur Nelson - Public Arbitrator, Presiding Chair
Joan M. Hill - Public Arbitrator
Martin Liebman - Non-Public Arbitrator

Concurring Arbitrators:

Leonard Arthur Nelson
Public Arbitrator, Presiding Chair

Joan M. Hill
Public Arbitrator

Martin Liebman
Non-Public Arbitrator

Signature Date

31 July 2006
Signature Date

Signature Date

Date of Service (For NASD office use only)

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 Arbitration No. 05-00044
Stipulated Award Page 5 of 5

Respondent, Amerivet Securities, Inc. is liable for:

<u>Forum Fees</u>	= \$	3,550.00
<u>Total Fees</u>	= \$	3,550.00
<u>Less payments</u>	= \$	-0.00
Balance Due NASD Dispute Resolution	= \$	3,550.00

Respondent, Martin Cabrera, Jr. is liable for:

<u>Forum Fees</u>	- \$	1500.00
<u>Total Fees</u>	= \$	750.00
<u>Less payments</u>	= \$	-750.00
Balance Due NASD Dispute Resolution	= \$	750.00

All balances are due to NASD Dispute Resolution

ARBITRATION PANEL

Leonard Arthur Nelson - Public Arbitrator, Presiding Chair
 Joan M. Hill - Public Arbitrator
 Martin Liebman - Non-Public Arbitrator

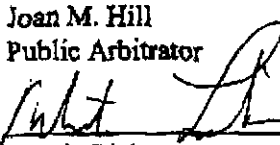
Concurring Arbitrators:

 Leonard Arthur Nelson
 Public Arbitrator, Presiding Chair

 Signature Date

 Joan M. Hill
 Public Arbitrator

 Signature Date


 Martin Liebman
 Non-Public Arbitrator

7/31/06
 Signature Date

 Date of Service (For NASD office use only)