

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 05-00609

Oppenheimer & Co. Inc., (Claimant) vs. David E. Boni, (Respondent)

ATTORNEYS:

For Claimant appeared in-house counsel, Eric J. Shames, Esq., New York, NY.

Respondent did not submit an Answer to the Statement of Claim.

NATURE OF DISPUTE: Member v. Associated Person

DATE FILED: February 2, 2005

CASE SUMMARY: Claimant alleged that Respondent breached the terms of a Promissory Note by failing and refusing to repay the balance. Claimant maintained that due to Respondent's actions, the firm suffered a financial loss.

Claim Data

Claim: \$20,000.00
Interest: Unspecified

Attorney Fees: \$3,000.00
Filing Fees: \$1,050.00

Award Data

Award: \$20,000.00
Interest: 8% per annum from
4/30/04 until date of payment
of payment of award.
Attorney Fees: \$2,500.00
Filing Fees: \$1,050.00

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 and shall pay to the Claimant \$20,000.00. 2) Respondent is liable and shall pay to the Claimant \$2,500.00 for attorney fees pursuant to Paragraph 8 of the Promissory Note. 3) Respondent is liable and shall pay to the Claimant interest at the rate of 8% per annum from April 30, 2004 until date of payment of the award. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$1,050.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay Claimant \$1,050.00 as reimbursement of the filing fee.

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 David W. Boni was served notice of the Statement of Claim and Notification of Arbitrator by regular mail, and Overdue Notice by certified mail, as evidenced by the signed signature card on file and is therefore bound by the arbitrator's ruling and determination.

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Award 05-00609

Mark R. Werder, Esq.

Sole Non-Public Arbitrator

AFFIRMATION

I, Mark R. Werder, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.


Mark R. Werder, Esq.

8/30/05
(Signature Date)

AUGUST 31, 2005
Date of Service (For NASD-DR office use only)