
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Anne Klotz

Case Number: 05-01094

Names of the Respondents
Ryan Beck & Co., LLC
David Pines

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Anne Klotz, hereinafter referred to as "Claimant": Ira F. Markowitz, Esq., Coral Springs, Florida.

For Ryan Beck & Co., LLC ("Ryan Beck") and David Pines ("Pines") hereinafter collectively referred to as "Respondents": Craig D. Stein, Esq. and Joshua Pinsky, Esq., Stein, Rosenberg & Stein, Fort Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed on or about: March 3, 2005.

Claimant signed but did not date the Uniform Submission Agreement.

Statement of Answer filed by Respondents on or about: June 21, 2005.

Respondent Ryan Beck signed the Uniform Submission Agreement: June 13, 2005.

Respondent Pines signed the Uniform Submission Agreement: June 16, 2005.

Motion to Dismiss and Impose Sanctions filed by Respondents on or about: January 25, 2006.

Respondents' Motion for Summary Judgment and Pretrial Brief filed on or about: February 2, 2006.

Claimant's Brief in Opposition to Motion to Dismiss and Impose Sanctions and Motion for Summary Judgment filed on or about: February 9, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty; misrepresentation; and fraud. The causes of action relate to the transfer of funds from Claimant's account.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim, and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested: compensatory damages in the amount of \$91,585.00; punitive damages in an amount to be determined; and costs, including forum fees, attorneys' fees, witness and production fees, and other case-related costs.

Respondents requested that all claims be dismissed and costs be assessed against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

On or about February 17, 2006 the Panel issued an order, which deferred ruling on Respondents' Motion to Dismiss and Impose Sanctions and Respondents' Motion for Summary Judgment until the evidentiary hearing.

On or about February 17, 2006, Respondents submitted a proposed Stipulated Award with a request that the Panel enter the Stipulated Award expunging all references to this matter from Respondent Pines registration records maintained by the NASD Central Registration Depository ("CRD").

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, the proposed Stipulated Award, Rule 2130 of the NASD Code of Arbitration Procedure (the "Code") and the record in this matter, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Statement of Claim is dismissed in its entirety without any finding of fault or liability on the part of Respondents Ryan Beck and Pines, Claimant or any other person or entity.

The Panel recommends the expungement of all references to the above captioned arbitration from Respondent Pines registration records maintained by the CRD, with the understanding that pursuant to NASD Notice to Members 04-16, Respondent Pines must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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.

Pursuant to Rule 2130, the arbitration panel has made the following affirmative findings of fact:

- 1) The claim, allegation, or information is factually impossible or clearly erroneous; and
- 2) The claim, allegation, or information is false.

Each party shall bear their respective costs, including attorneys' fees.

All other requests for relief, which are not addressed specifically in the Stipulated Award, including Claimants' request for punitive damages, are denied, with prejudice.

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

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. Accordingly, Respondent is a party and a member firm.

Member surcharge = \$1,100.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$1,700.00

Total Member Fees = \$3,550.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were filed in this matter for which fees were assessed.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

There were no three-day cancellation fees assessed during these proceedings.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

There were no injunctive relief fees assessed during these proceedings.

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A 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:

One (1) Pre-hearing session with the Chairperson @ \$450.00/session = \$ 450.00
Pre-hearing conference: January 10, 2006 1 session

One (1) Pre-hearing session with the Panel @ \$750.00/session = \$ 750.00
Pre-hearing conference: September 7, 2005 1 session

Total Forum Fees = \$ 1,200.00

The Panel has assessed the total forum fees of \$ 600.00 to Claimant.
The Panel has assessed the total forum fees of \$ 600.00 to Respondents, jointly and severally.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$ 600.00
<u>Retained Hearing Session Deposit pursuant to Rule 10332(f) of Code</u>	<u>= \$ 150.00</u>
Total Fees	= \$ 975.00
<u>Less payments</u>	<u>= \$ 975.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Ryan Beck is solely liable for:

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

Respondents are jointly and severally liable for:

<u>Forum Fees</u>	<u>= \$ 600.00</u>
Total Fees	= \$ 600.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$ 600.00

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

ARBITRATION PANEL

Gary W. Pollack, Esq.
Paul J. Carey
Michael S. Hill

Public Arbitrator, Presiding Chairperson
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Gary W. Pollack, Esq.
Public Arbitrator, Presiding Chairperson

February 23, 2006
Signature Date

/s/
Paul J. Carey
Public Arbitrator

February 24, 2006
Signature Date

/s/
Michael S. Hill
Non-Public Arbitrator

February 24, 2006
Signature Date

(The Panel did not conduct any affirmative findings of fact nor were any such facts warranting expungement pursuant to NASD Rule 2130 provided to the Panel. Whereas this Stipulated Award is concurred by the majority of the Panel, I respectfully DISSENT.)

February 24, 2006

Date of Service (For NASD Dispute Resolution office use only)

The Panel has assessed the total forum fees of \$ 600.00 to Claimant.
The Panel has assessed the total forum fees of \$ 600.00 to Respondents, jointly and severally.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

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Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Forum Fees	= \$ 600.00
<u>Total Fees</u>	<u>= \$ 600.00</u>
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Balance Due NASD Dispute Resolution	= \$ 600.00

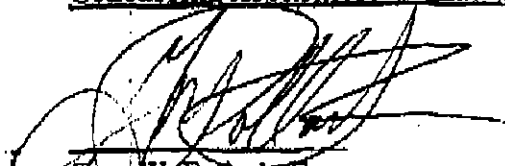
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ARBITRATION PANEL

Gary W. Pollack, Esq.
Paul J. Carey
Michael S. Hill

Public Arbitrator, Presiding Chairperson
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures



Gary W. Pollack, Esq.
Public Arbitrator, Presiding Chairperson

2/23/06

Signature/Date

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Paul J. Carey
Paul J. Carey
Public Arbitrator

2/24/06
Signature Date

Michael S. Hill
Michael S. Hill
Non-Public Arbitrator

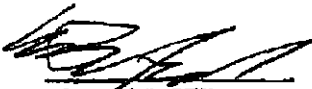
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Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution
Arbitration No. 05-01094
Stipulated Award Page 5

Paul J. Carey
Public Arbitrator

Signature Date

 **DISSENT**

Michael S. Hill

2/24/06

Signature Date

Non-Public Arbitrator

(The Panel did not conduct any affirmative findings of fact nor were any such facts warranting expungement pursuant to NASD Rule 2130 provided to the Panel. Whereas this Stipulated Award is concurred by the majority of the Panel, I respectfully DISSENT.)

Date of Service (For NASD Dispute Resolution office use only)