

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

TD Waterhouse Investor Services, Inc. (Claimant) vs. Covenant Consulting, Inc. (Respondent)

Case Number: 05-01610

Hearing Site: New York, New York

Nature of the Dispute: Member vs. Customer.

REPRESENTATION OF PARTIES

Claimant TD Waterhouse Investor Services, Inc., hereinafter referred to as "Claimant": Walter A. Saurack, Esq., Satterlee Stephens Burke & Burke, LLP, New York, N.Y.

Respondent Covenant Consulting, Inc., hereinafter referred to as "Respondent" did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: March 23, 2005.

Claimant signed the Uniform Submission Agreement: March 18, 2005.

Respondent did not file a Statement of Answer or sign the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract and unjust enrichment. The causes of action relate to unspecified securities.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$111,840.00; interest; attorneys' fees; costs; and such other relief as the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators determined that Respondent Covenant Consulting, Inc. has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent Covenant Consulting, Inc. did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant

Section 9 ("Agreement to Arbitrate Controversies") of the Customer Agreement (Exhibit "A" of the Claimant's Statement of Claim).

The claimant has 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 pleading, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay to Claimant compensatory damages in the amount of \$111,840.00, plus interest at the rate of 9% per annum from June 30, 2004 until payment of the award.
2. Respondent is liable for and shall pay to Claimant attorneys' fees in the amount of \$4,301.00 pursuant to Section 8 ("Costs of Collection") of the Customer Agreement (Exhibit "A" of Claimant's Statement of Claim).
3. Any and all relief not specifically addressed herein is denied.

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 = \$1,000.00

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, TD Waterhouse Investor Services, Inc., is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$2,750.00</u>
Total Member fees	= \$5,200.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: November 7, 2005 1 session	

One (1) Hearing session @ \$1,125.00	= \$1,125.00
<u>Hearing Date: December 5, 2005 1 session</u>	

Total Forum Fees = \$ 2,250.00

1. The Panel has assessed \$2,250.00 of the forum fees against Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$1,000.00
<u>Member Fees</u>	<u>= \$5,200.00</u>
Total Fees	= \$6,200.00
<u>Less payments</u>	<u>= \$7,325.00</u>
Refund Due Claimant	= \$1,125.00

3. Respondent is solely liable for:

Forum Fees	= \$2,250.00
Total Fees	= \$2,250.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$2,250.00

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

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ARBITRATION PANEL

Paul E. Dahlman	-	Public- Arbitrator, Presiding Chairperson
Anthony P. Connolly	-	Public- Arbitrator
Ronald R. Niclas, CFP	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, 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.



Paul E. Dahlman
Public Arbitrator, Presiding Chairperson

12/14/2005
Signature Date

Anthony P. Connolly
Public Arbitrator

Signature Date

Ronald R. Niclas, CFP
Non-Public Arbitrator

Signature Date

DECEMBER 19, 2005
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

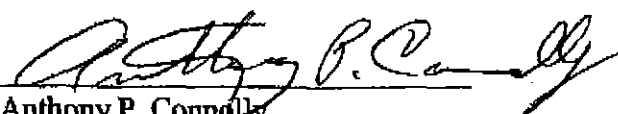
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Signature Date



Anthony P. Connolly
Public Arbitrator

12/14/05

Signature Date

Ronald R. Niclas, CFP
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