

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Forte Communications Inc. (Claimant) vs. Westminster Securities Corporation
(Respondent)

Case Number: 05-02305

Hearing Site: New York, New York

Nature of the Dispute: Customer vs. Member

REPRESENTATION OF PARTIES

Claimant Forte Communications Inc. hereinafter referred to as "Claimant": S. David Harrison, Esq., Rosen & Livingston, New York, NY.

Respondent Westminster Securities Corporation hereinafter referred to as "Respondent": Brian Neville, Esq., Law Offices of Brian Neville, LLC, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: April 29, 2005.

Claimant signed the Uniform Submission Agreement: December 28, 2004.

Statement of Answer and Counterclaim filed by Respondent on or about: July 22, 2005.

Respondent signed the Uniform Submission Agreement: July 13, 2005.

CASE SUMMARY

Claimant asserted the following cause of action: unlawful diversion and distribution of Claimant's account assets by Respondent. The causes of action relate to unspecified securities.

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

In its Counterclaim, Respondent asserted the following causes of action: frivolous, bad faith claim.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$146,994.44 plus interest at the rate allowed in New York State, filing fees, and attorneys' fees.

Respondent requested dismissal of the Statement of Claim in its entirety, costs, and such other and further relief as the arbitrators deem just and proper.

In its Counterclaim, Respondent requested unspecified specific damages, attorneys' fees, forum fees, and costs.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have 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, 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 \$67,052.22 plus interest at the rate of 9% per annum beginning from the earlier of thirty (30) days from the date of the Award or January 8, 2007 until the date the Award is paid in full.

The Panel awarded compensatory damages for the assets diverted and distributed by Respondent.

2. Respondent's counterclaim is denied in its entirety.
3. Each party shall bear its own attorneys' fees.
4. 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	= \$	300.00
Counterclaim filing fee	= \$	500.00

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, Westminster Securities Corporation is a party.

Member Surcharge	= \$	1,700.00
Pre-hearing Process Fee	= \$	750.00
Hearing Process Fee	= \$	2,750.00

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 arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with single arbitrator @ \$450.00 = \$ 450.00
Pre-hearing conference: December 15, 2005 1 session

Two (2) Pre-hearing sessions with the Panel @ \$1,125.00 = \$ 2,250.00
Pre-hearing conferences: October 19, 2005 1 session
March 23, 2006 1 session

Four (4) Hearing sessions @ \$1,125.00 = \$ 4,500.00
Hearing Date: November 27, 2006 2 sessions
November 28, 2006 2 sessions

Total Forum Fees = \$ 7,200.00

1. The Panel has assessed \$3,600.00 of the forum fees to Claimant.
2. The Panel has assessed \$3,600.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 3,600.00
Total Fees	= \$ 3,900.00
Less payments	= \$ 1,450.00
Balance Due NASD Dispute Resolution	= \$ 2,450.00

2. Respondent is solely liable for:

Counterclaim Filing Fee	= \$ 500.00
Member Fees	= \$ 5,200.00
Forum Fees	= \$ 3,600.00
Total Fees	= \$ 9,300.00
Less payments	= \$ 7,450.00
Balance Due NASD Dispute Resolution	= \$ 1,850.00

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

ARBITRATION PANEL

Robert T. Simmelkjaer, PhD, Esq.	-	Public Arbitrator, Presiding Chairperson
Clarence Smith, Jr., Esq.	-	Public Arbitrator
James V. Gargan, Sr., Esq.	-	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.


Robert T. Simmelkjaer, PhD, Esq.
Public Arbitrator, Presiding Chairperson

December 11, 2006
Signature Date

Clarence Smith, Jr., Esq.
Public Arbitrator

Signature Date

James V. Gargan, Sr., Esq.
Non-Public Arbitrator

Signature Date

December 13, 2006

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL


Robert T. Simmelkjaer, PhD, Esq.	-	Public Arbitrator, Presiding Chairperson
Clarence Smith, Jr., Esq.	-	Public Arbitrator
James V. Gargan, Sr., Esq.	-	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.

Robert T. Simmelkjaer, PhD, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Clarence Smith, Jr., Esq.
Public Arbitrator



Signature Date

James V. Gargan, Sr., Esq.
Non-Public Arbitrator

Signature Date

December 13, 2006

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Robert T. Simmelkjaer, PhD, Esq.	-	Public Arbitrator, Presiding Chairperson
Clarence Smith, Jr., Esq.	-	Public Arbitrator
James V. Gargan, Sr., Esq.	-	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.

Robert T. Simmelkjaer, PhD, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Clarence Smith, Jr., Esq.
Public Arbitrator

Signature Date



James V. Gargan, Sr., Esq.
Non-Public Arbitrator

12/15/06

Signature Date

Date of Service (For NASD Dispute Resolution use only)