

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 05-02777

James D'Amico, (Claimant) vs. William P. Chien and CyperVest Securities, Inc.,
(Respondents)

ATTORNEYS:

Claimant appeared pro se, Acnorth, GA.

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

Respondent CyperVest Securities, Inc. did not submit an Answer to the Statement of Claim.

NATURE OF DISPUTE: Associated Person vs. Terminated Member and Associated Person

DATE FILED: May 24, 2005

CASE SUMMARY: Claimant alleged libel or slander on his Form U-5 and defamation. Claimant requested expungement.

Claim Data

Punitive: \$100.00
Filing Fees: \$50.00
Expungement: Requested

Award Data

Punitive: \$.00
Filing Fees: \$50.00
Expungement: Granted

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The Panel recommends the expungement of the Termination Comment contained in Section 3 of the Form U5 filed with CRD by Respondent CyberVest Securities (CRD 40797) on behalf of Claimant James D'Amico (CRD 3142301). Replacement language for the Termination Comment is: "Retaliation for Mr. D'Amico's cooperation with an NASD investigation of William Chien and CyberVest Securities." The reason for termination is to remain as originally reported on the Form U5 (i.e., "discharge). The expungement recommendation is based on the defamatory nature of the information contained in Claimant's CRD record. 2) All requests for punitive damages are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$50.00 filing fee that the Claimant deposited previously. 5) Respondents are jointly and severally liable and shall pay Claimant \$50.00 as reimbursement of the filing fee.

OTHER ISSUES: Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondents William P. Chien and CyperVest Securities, Inc., were served notice of the Statement of Claim and Notification of Arbitrator by regular mail, and Overdue Notice by certified mail, are therefore bound by the arbitrator's ruling and determination.

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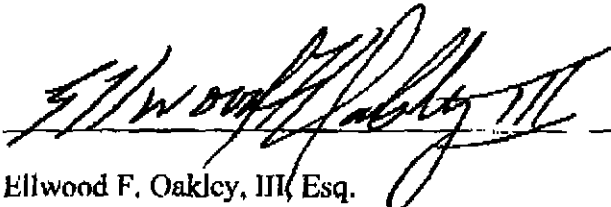
Award 05-02777

Ellwood F. Oakley, III, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Ellwood F. Oakley, III, 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.

 12/24/05

Ellwood F. Oakley, III, Esq.

(Signature Date)

December 29, 2005

Date of Service (For NASD-DR office use only)