

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Gary L. Black (Claimant) v. CUNA Brokerage Services, Inc. and Emmor E. Boslet (Respondents)

Case Number: 05-03167

Hearing Site: Philadelphia, Pennsylvania

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

REPRESENTATION OF PARTIES

Claimant Gary L. Black hereinafter referred to as "Claimant": Rob Bleacher, , Pecht & Associates, PC, Mechanicsburg, PA.

Respondents CUNA Brokerage Services, Inc. ("CUNA") and Emmor E. Boslet ("Boslet") hereinafter collectively referred to as "Respondents": Maura K. McKelvey, Esq., and Adam Saper, Esq., Hinshaw & Culbertson, LLP, Boston, MA.

CASE INFORMATION

Statement of Claim filed on or about: June 15, 2005.

Amended Statement of Claim filed on or about: January 11, 2006.

Claimant signed the Uniform Submission Agreement: June 13, 2005.

Joint Statement of Answer filed by Respondents on or about: February 13, 2006.

CUNA signed the Uniform Submission Agreement: July 27, 2005.

Boslet did not submit a signed Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract, unjust enrichment, unsuitability, negligence, breach of fiduciary duty, misrepresentation and omissions, fraud, failure to supervise and vicarious liability, violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law, violation of Federal Securities laws, violation of State Securities law, and breach of duty. Claimant's claims involved unspecified mutual funds.

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

RELIEF REQUESTED

Claimant initially requested unspecified damages. In his Amended Statement of Claim, Claimant requested rescission damages in an amount in excess of \$200,000.00, compensatory damages in an amount in excess of \$280,000.00, disgorgement of all commissions and fees paid, plus legal interest, costs, expenses, and disbursements in pursuing this arbitration, full reimbursement of all filing and forum fees, reasonable attorneys' fees, treble damages as authorized by the Unfair Trade Practices and Protection Law, interest at the legal rate of 6% per annum on both rescission and compensatory damages from the time Claimant invested his money to the date of the hearing, and for such other relief including, but not limited to, punitive damages, as the arbitration panel deems just proper and equitable.

Respondents requested that Claimant's claims be dismissed, an award of their costs, and for such other and further relief as the arbitrators deem just and reasonable.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Boslet did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

By letter dated November 17, 2006 the parties were sent the Panel's Order in which Respondent (CUNA Brokerage Services, Inc.) was assessed a monetary sanction of \$1,000.00 for its failure to adequately cooperate in the discovery process. The Panel's decision is incorporated in the "Award" section below.

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, 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. CUNA Brokerage Services, Inc., is liable for and shall pay Claimant \$10,000.00.
2. In accordance with the "Other Issues Considered and Decided" section above, CUNA Brokerage Services, Inc., is liable for and shall pay to Claimant

above, CUNA Brokerage Services, Inc., is liable for and shall pay to Claimant a discovery sanction in the amount of \$1,000.00.

3. Any and all relief not specifically addressed herein, including punitive and treble damages, 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
--------------------------	-------------

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, CUNA Brokerage Services, Inc. is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

May 2-4, 2006 adjournment by Claimant	WAIVED
---------------------------------------	--------

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) Decision on discovery-related motions on the papers with (3) three arbitrator(s) @ \$200.00 Claimant submitted (1) discovery-related motion	= \$ 600.00
One (1) Pre-hearing session with a single arbitrator @ \$450.00 Pre-hearing conference: June 16, 2006 1 session	= \$ 450.00
Five (5) Pre-hearing sessions with Panel @ \$1,125.00	= \$ 5,625.00

Pre-hearing conferences: February 17, 2006 1 session
April 11, 2006 1 session
April 21, 2006 1 session
May 22, 2006 1 session
August 30, 2006 1 session

Eleven (11) Hearing sessions @ \$1,125.00 = \$12,375.00

Hearing Dates: September 12, 2004 2 sessions
September 13, 2004 2 sessions
September 14, 2004 2 sessions
November 30, 2006 2 sessions
December 1, 2006 2 sessions
December 11, 2006 1 session

Total Forum Fees = \$19,050.00

1. The Panel has assessed \$19,050.00 of the forum fees against CUNA Brokerage Services, Inc.

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.

1. Claimant requested copies of hearing tapes = \$ 180.00

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Administrative Costs	= \$ 180.00
Total Fees	= \$ 480.00
Less payments	= \$ 1,250.00
Refund Due Claimant	= \$ 770.00

2. Respondent CUNA Brokerage Services, Inc., is solely liable for:


Member Fees	= \$ 5,200.00
Forum Fees	= \$19,050.00
Total Fees	= \$24,250.00
Less payments	= \$ 4,450.00
Balance Due NASD Dispute Resolution	= \$19,800.00

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

ARBITRATION PANEL

E. William Pastor, Esq. - Public Arbitrator, Presiding Chairperson
Margaret Sherry Lurio, Esq.- Public Arbitrator
Jay F. Frascella - Non-Public Arbitrator

Concurring Arbitrators' Signatures



E. William Pastor, Esq.
Public Arbitrator, Presiding Chairperson

12/14/06

Signature Date

Margaret Sherry Lurio, Esq.
Public Arbitrator

Signature Date

Jay F. Frascella
Non-Public Arbitrator

Signature Date

December 19, 2006

Date of Service (For NASD Dispute Resolution use only)

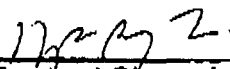
ARBITRATION PANEL

E. William Pastor, Esq.	-	Public Arbitrator, Presiding Chairperson
Margaret Sherry Lurio, Esq.	-	Public Arbitrator
Jay F. Frascella	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

E. William Pastor, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Margaret Sherry Lurio, Esq.
Public Arbitrator



Signature Date

Jay F. Frascella
Non-Public Arbitrator

Signature Date

December 19, 2006
Date of Service (For NASD Dispute Resolution use only)