

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Benson York Group (Claimant) vs. Christopher D. Driscoll (Respondent)

Case Number: 05-03581

Hearing Site: New York City, New York

Nature of the Dispute: Member vs. Associated Person

REPRESENTATION OF PARTIES

Claimant Benson York Group hereinafter referred to as "Claimant": John J. Conroy, Benson York Group, New York, NY.

Respondent Christopher D. Driscoll hereinafter referred to as "Respondent" did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: July 12, 2005.

Claimant signed the Uniform Submission Agreement: July 12, 2005.

Respondent did not file a Statement of Answer or submit a signed Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of loan agreement.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$11,360.00 and reimbursement of fees.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made by the Claimant, the undersigned arbitrator (the "Arbitrator") determined that Respondent 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 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 is bound by the determination of the Arbitrator on all issues submitted.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay Claimant compensatory damages in the amount of \$11,360.00
2. 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 = \$ 750.00

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, Benson York Group is a party.

Member surcharge = \$ 425.00

Forum Fees and Assessments

The Arbitrator 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 a single arbitrator @ \$450.00 = \$ 450.00

Pre-hearing conference: December 12, 2005 1 session

One (1) Hearing session @ \$450.00 = \$ 450.00

Hearing Date: January 25, 2006 1 session

Total Forum Fees = \$ 900.00

1. The Arbitrator has assessed \$900.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee = \$ 750.00

Member Fees = \$ 425.00

Total Fees = \$ 1,175.00

Less payments = \$ 1,625.00

Refund Due Claimant = \$ 450.00

2. Respondent is solely liable for:

<u>Forum Fees</u>	= \$	<u>900.00</u>
<u>Total Fees</u>	= \$	<u>900.00</u>
<u>Less payments</u>	= \$	<u>0.00</u>
Balance Due NASD Dispute Resolution	= \$	900.00

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

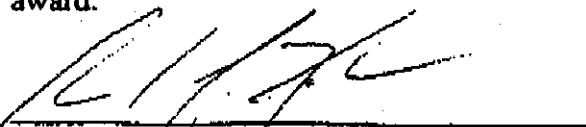
ARBITRATOR

Richard J. Fish

- Non-Public Arbitrator, Presiding Chairperson

Arbitrator's Signature

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.



Richard J. Fish
Non-Public Arbitrator


Signature Date

February 2, 2006
Date of Service (For NASD Dispute Resolution use only)