

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Jane E. Pattison and Richard A. Pattison (Claimants) vs. Commonwealth Financial Network and Mark S. Singer (Respondents)

Case Number: 05-03764

Hearing Site: Boston, Massachusetts

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

REPRESENTATION OF PARTIES

Claimants Jane E. Pattison ("J. Pattison") and Richard A. Pattison ("R. Pattison") hereinafter collectively referred to as "Claimants": Laurie Ruskin, Esq., and David M. Belcher, Esq., Belcher, Kerwin & Starr LLP, Boston, MA.

Respondents Commonwealth Financial Network ("CFN") and Mark S. Singer ("Singer") hereinafter collectively referred to as "Respondents": Katherine B. Harrison, Esq., Paduano & Weintraub LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: July 21, 2005.

J. Pattison signed the Uniform Submission Agreement: July 20, 2005.

R. Pattison signed the Uniform Submission Agreement: July 20, 2005.

Joint Statement of Answer and Motion to Dismiss filed by Respondents on or about: September 27, 2005.

CFN signed the Uniform Submission Agreement: August 10, 2005.

Singer signed the Uniform Submission Agreement: September 20, 2005.

CASE SUMMARY

Claimants asserted the following causes of action: suitability, breach of fiduciary duty, fraudulent and negligent misrepresentations, violation of the Massachusetts Consumer Protection Act, violation of the Massachusetts Uniform Securities Act, and respondeat superior. The causes of action relate to Income Participating Notes of IBF Special Purpose Corporation VII.

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

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$142,000.00, punitive damages in the amount of \$50,000.00, attorneys' fees, filing fees, and costs.

Respondents requested dismissal of the Statement of Claim in its entirety, costs, attorneys' fees, expungement of this matter from Singer's CRD records, and such other and further relief as the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On August 3, 2006 the parties informed NASD Dispute Resolution that the parties settled this matter in mediation.

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

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for an entry of an award, the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. The parties have entered into a confidential settlement agreement.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Singer's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent Singer must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the arbitration panel has made the following affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous.

3. The parties shall bear their own costs and attorneys' fees.
4. Any and all relief not specifically addressed herein, including punitive 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, Commonwealth Financial Network 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:

July 31-August 2, 2006 adjournment requested by the parties = Waived

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. 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:

Two (2) Pre-hearing sessions with Panel @ \$1,125.00 = \$ 2,250.00

Pre-hearing conferences: December 8, 2005 1 session

September 11, 2006 1 session

Total Forum Fees = \$ 2,250.00

1. Pursuant to the parties' agreement:
 - a. Claimants are assessed \$1,125.00 of the forum fees.
 - b. Respondents are assessed \$1,125.00 of the forum fees, jointly and severally.

Fee Summary

1. Claimants are jointly and severally liable for:

Initial Filing Fee = \$ 300.00

Forum Fees = \$ 1,125.00

Total Fees	= \$ 1,425.00
<u>Less payments</u>	<u>= \$ 1,425.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

2. Respondent CFN is solely liable for:

Member Fees	= \$ 5,200.00
Total Fees	= \$ 5,200.00
<u>Less Payments</u>	<u>= \$ 5,200.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are jointly and severally liable for:

Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,125.00
<u>Less Payments</u>	<u>= \$ 1,125.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Lucy J. Karl, Esq.	-	Public Arbitrator, Presiding Chairperson
Marc W. McDonald, Esq.	-	Public Arbitrator
Jacqueline Marie Pierre	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Lucy J. Karl
Lucy J. Karl, Esq.
Public Arbitrator, Presiding Chairperson

9.14.06
Signature Date

Marc W. McDonald, Esq.
Public Arbitrator

Signature Date

Jacqueline Marie Pierre
Non-Public Arbitrator

Signature Date

October 6, 2006
Date of Service (For NASD Dispute Resolution use only)

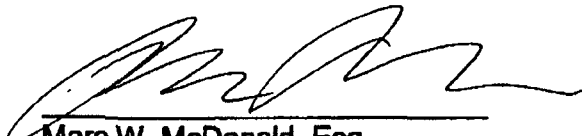
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Marc W. McDonald, Esq.	-	Public Arbitrator
Jacqueline Marie Pierre	-	Non-Public Arbitrator

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Lucy J. Karl, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Marc W. McDonald, Esq.
Public Arbitrator

10-5-06
Signature Date

Jacqueline Marie Pierre
Non-Public Arbitrator

Signature Date

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Public Arbitrator, Presiding Chairperson

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Signature Date

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Public Arbitrator

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Jacqueline M. Pierre
Jacqueline Marie Pierre
Non-Public Arbitrator

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Signature Date

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