

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 05-03912

Oppenheimer & Co., Inc., (Claimant) vs. John W. Howard, III, (Respondent)

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**ATTORNEYS:**

For Claimant appeared in-house counsel Eric J. Shames, Esq., New York, NY.

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

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**NATURE OF DISPUTE:** Member v. Associated Person

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**DATE FILED:** July 27, 2005

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**CASE SUMMARY:** Claimant alleged that Respondent breached an employment contract by failing to repay monies owed pursuant to the terms of a Promissory Note. Claimant maintained that due to Respondent's actions, the firm suffered a financial loss.

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**Claim Data**

Claim: \$23,100.00  
Interest: Unspecified

Attorney Fees: Unspecified  
Filing Fees: \$1,050.00  
Other: Unspecified

**Award Data**

Award: \$23,100.00  
Interest: granted at the rate of  
9% per annum from 9/19/03-  
date of payment of the award.  
Attorney Fees: \$4,500.00  
Filing Fees: \$1,050.00  
Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the Claimant \$23,100.00. 2) Respondent is liable and shall pay to the Claimant \$4,500 for attorney fees pursuant to the terms of the Promissory Note. 3) Respondent is liable and shall pay to the Claimant interest at the rate of 9% per annum from September 19, 2003 until the date of payment of the award. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$1,050.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay Claimant \$1,050.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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**OTHER ISSUES:** Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent John W. Howard, III was served notice of the Statement of Claim by regular mail Overdue Notice and Notification of Arbitrator by certified mail, and is therefore bound by the arbitrator's ruling and determination.

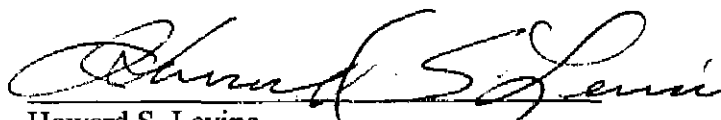
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Award 05-03912

Howard S. Levine

Sole Non-Public Arbitrator

AFFIRMATION

I, Howard S. Levine, 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.

  
Howard S. Levine

2/1/06  
(Signature Date)

February 8, 2006  
Date of Service (For NASD-DR office use only)