

NASD DISPUTE RESOLUTION STIPULATED AWARD
NASD DISPUTE RESOLUTION

CASE: 05-04851

Richard Steven Bernstein, (Claimant) vs. Marcie Belenke, (Respondent)

ATTORNEYS:

For Claimant appeared Debra A. Jenks, Esq., of the firm Dobin & Jenks, LLP, Jupiter, FL.

For Respondent appeared William B. Young, Esq., of the firm Hooper & Weiss, LLC, Orlando, FL.

NATURE OF DISPUTE: Associated Person vs. Customer

DATE FILED: September 12, 2005

CASE SUMMARY: Claimant is seeking expungement of all reference to NASD Arbitration case number 03-06323 pursuant to the terms of a settlement agreement for that matter. All parties are in agreement and have stipulated that the expungement should be granted.

Claim Data

Claim: Expungement

Award Data

Award: Granted

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The Arbitrator recommends the expungement of all reference to NASD case number 03-06323 from Claimant Richard Steven Bernstein's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Claimant Richard Steven Bernstein 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 registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds. 5) NASD Dispute Resolution shall retain the \$1,250.00 filing fee that the Claimant deposited previously.

OTHER FEES: Pursuant to Rule 10333 of the Code, A.G. Edwards & Sons, Inc. has paid to NASD Dispute Resolution the \$1,500.00 Member Surcharge previously invoiced.

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Award 05-04851

Michael J. Fingar, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Michael J. Fingar, 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.



Michael J. Fingar, Esq.

2/1/06

(Signature Date)

February 10, 2006

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