

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Vanessa Lee (Claimant) v. Vanguard Capital, Inc. and Dimitri Gaspard (Respondents)

Case Number: 05-05121

Hearing Site: New York, New York

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

REPRESENTATION OF PARTIES

Claimant Vanessa Lee hereinafter referred to as "Claimant": John E. Lawlor, Esq., Attorney at Law, Mineola, NY.

Respondent Vanguard Capital, Inc. hereinafter referred to as "Vanguard": Todd S. Hipper, Esq., Law Offices of Jeffrey S. Kob, Coronado, CA.

Respondent Dimitri Gaspard hereinafter referred to as "Gaspard": George M. Gavalas, Esq., Attorney at Law, Mineola, NY.

CASE INFORMATION

Statement of Claim filed on or about: September 30, 2005.

Claimant signed the Uniform Submission Agreement: August 31, 2005.

Statement of Answer and Motion to Dismiss filed by Respondent Vanguard on or about: November 17, 2005.

Vanguard did not submit the Uniform Submission Agreement.

Statement of Answer filed by Respondent Gaspard on or about: January 9, 2005.

Gaspard signed the Uniform Submission Agreement: January 17, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: respondeat superior, failure to supervise and breach of fiduciary duty. The causes of action relate to unspecified securities.

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

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$59,300.00, attorneys' fees, interest and such other further and different relief as the arbitration panel finds just and equitable.

Vanguard requested dismissal of the Statement of Claim with prejudice and for such other relief as the arbitrators deem just and proper.

Gaspard requested dismissal of the Statement of Claim, costs and disbursements and for such other and further relief as the court may deem just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Vanguard Capital Inc. 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, is bound by the determination of the Panel on all issues submitted.

On or about July 18, 2006, Claimant informed NASD Dispute Resolution that she had settled her claims with Vanguard.

At the hearing, Respondent Gaspard made a Motion to Dismiss for lack of jurisdiction and statute of limitations. After due deliberation the Panel denied the Motion.

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. Claimant's claims are dismissed in their entirety.
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 = \$225.00

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, Vanguard Capital, Inc. is a party.

Member surcharge	= \$ 1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 1,700.00

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:

Two (2) Pre-hearing sessions with Panel @ \$750.00 per session	= \$1,500.00
Pre-hearing conferences: February 14, 2006	1 session
June 15, 2006	1 session
Two (2) Hearing sessions @ \$750.00 per session	= \$1,500.00
Hearing Dates: July 19, 2006	2 sessions
Total Forum Fees	= \$3,000.00

1. The Panel has assessed \$250.00 of the forum fees to Claimant for the pre-hearing conference held on February 14, 2006.
2. The Panel has assessed \$250.00 of the forum fees to Vanguard for the pre-hearing conference held on February 14, 2006.
3. The Panel has assessed \$250.00 of the forum fees to Gaspard for the pre-hearing conference held on February 14, 2006.
4. The Panel has assessed \$375.00 to Vanguard for the pre-hearing held on June 15, 2006.
5. The Panel has assessed \$375.00 of the forum fees to Gaspard for the pre-hearing conference held on June 15, 2006.
6. The Panel has assessed \$750.00 of the forum fees to Claimant for the hearing held on July 19, 2006.
7. The Panel has assessed \$750.00 of the forum fees to Gaspard for the hearing held on July 19, 2006.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$1,000.00
Total Fees	= \$1,225.00
Less payments	= \$ 975.00
Balance Due NASD Dispute Resolution	= \$ 250.00

2. Respondent Vanguard Capital, Inc. is solely liable for:

Member Fees	= \$3,550.00
Forum Fees	= \$ 625.00
Total Fees	= \$4,175.00
Less payments	= \$4,300.00
Refund Due Vanguard Capital, Inc.	= \$ 125.00

3. Respondent Gaspard is solely liable for:

Forum Fees	= \$1,375.00
Total Fees	= \$1,375.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,375.00

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

ARBITRATION PANEL

Richard W. Vallario, Esq.	-	Public Arbitrator, Presiding Chairperson
Bernard Korman, Esq.	-	Public Arbitrator
John J. Phelan, Esq.	-	Non-Public Arbitrator

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.

Concurring Arbitrators' Signatures



Richard W. Vallario, Esq.
Public Arbitrator, Presiding Chairperson

7/21/06
Signature Date

Bernard Korman, Esq.
Public Arbitrator

Signature Date

John J. Phelan, Esq.
Non-Public Arbitrator

Signature Date

July 27, 2006

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Richard W. Vallario, Esq.	-	Public Arbitrator, Presiding Chairperson
Bernard Korman, Esq.	-	Public Arbitrator
John J. Phelan, Esq.	-	Non-Public Arbitrator

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.

Concurring Arbitrators' Signatures

Richard W. Vallario, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Bernard Korman, Esq.
Public Arbitrator

Signature Date



John J. Phelan, Esq.
Non-Public Arbitrator

7/20/05
Signature Date

July 27, 2006

Date of Service (For NASD Dispute Resolution use only)