

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Milestone Financial Services, Inc. and Masterpiece Management, Inc. (Claimants) vs.
Kenneth Dwyer (Respondent)

Case Number: 05-05653

Hearing Site: New York, New York

Nature of the Dispute: Member and Non-Member vs. Associated Person

REPRESENTATION OF PARTIES

Claimants Milestone Financial Services, Inc. ("Milestone") and Masterpiece Management, Inc. ("Masterpiece") hereinafter collectively referred to as "Claimants": Randy Scott Zelin, Esq., Randy Scott Zelin, P.C., Westbury, NY.

Respondent Kenneth Dwyer hereinafter referred to as "Respondent": Brian H. Reis, Esq., Law Office of Brian H. Reis, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: November 4, 2005.
Milestone signed the Uniform Submission Agreement: October 27, 2005.
Masterpiece did not submit a Uniform Submission Agreement.

Statement of Answer filed by Respondent on or about: November 6, 2006.
Respondent did not submit a Uniform Submission Agreement.

CASE SUMMARY

Claimants asserted the following causes of action: breach of loan agreement and unpaid balance.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$26,295.68 plus interest, costs, arbitration fees, attorneys' fees, disbursements, and such other and further relief as may be deemed just and proper.

Respondent requested that the Statement of Claim be denied in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

Claimant Masterpiece did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but having submitted this claim, appeared and testified at the hearing, is bound by the determination of the Arbitrator on all issues submitted.

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, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Arbitrator on all issues submitted.

During the hearing Claimants Moved to Dismiss Respondent's Defense. After due deliberation the Arbitrator denied Claimants' Motion.

AWARD

After considering the pleadings, 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. Claimants' claims are denied in their entirety.
2. Respondent is liable for and shall pay to Claimants \$1,000.00 to reimburse Claimants for the filing fee previously paid to NASD Dispute Resolution.
3. 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	= \$ 1,000.00
--------------------------	---------------

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, Milestone Financial Services, Inc. Inc. is a party.

Member Surcharge	= \$ 600.00
Pre-hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 1,000.00

Forum Fees and Assessments

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

Two (2) Pre-hearing sessions with Arbitrator @ \$450.00	= \$ 900.00
Pre-hearing conferences: May 8, 2006	1 session
October 26, 2006	1 session
Five (5) Hearing sessions with Arbitrator @ \$450.00	= \$ 2,250.00
Hearing Dates: October 23, 2006	1 session
December 4, 2006	2 sessions
December 11, 2006	2 sessions
Total Forum Fees	= \$ 3,150.00

1. The Arbitrator has assessed \$3,150.00 of the forum fees to Respondent.

Fee Summary

1. Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 1,000.00
<u>Total Fees</u>	= \$ 1,000.00
<u>Less payments</u>	= \$ 1,450.00
<u>Refund Due Claimants</u>	= \$ 450.00

As listed in the "Award" section above, Respondent shall reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution.

2. Claimant Milestone is solely liable for:

<u>Member Fees</u>	= \$ 2,350.00
<u>Total Fees</u>	= \$ 2,350.00
<u>Less payments</u>	= \$ 2,350.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 0.00

3. Respondent is solely liable for:

<u>Forum Fees</u>	= \$ 3,150.00
<u>Total Fees</u>	= \$ 3,150.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 3,150.00

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

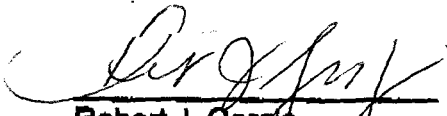
ARBITRATOR

Robert J. Gorgia

Sole Non-Public Arbitrator

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.


Robert J. Gorgia
Sole Non-Public Arbitrator

12/21/2006
Signature Date

December 22, 2006
Date of Service (For NASD Dispute Resolution use only)