

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

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CASE: 06-00164

Kim and Elizabeth Garbuz, (Claimants) vs. Invest Financial Corporation,  
(Respondent)

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**ATTORNEYS:**

For Claimants appeared Theodore M. Davis, Esq., Brooklyn, NY.

For Respondent appeared Barry R. Temkin, Esq., of the firm Fiedelman Garfinkel  
& Lesman, New York, NY.

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**NATURE OF DISPUTE:** Customers vs. Member

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**DATE FILED:** January 10, 2006

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**CASE SUMMARY:** Claimants alleged that Respondent provided inadequate supervisor over their account, breached its fiduciary duty and used deceptive sales practices. Claimants further alleged breach of fair dealing and complete disregard of NASD guidelines. Claimants maintained that due to Respondent's actions, they suffered financial losses. Claimants' claim involved various mutual funds and common stock.

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**Claim Data**

Claim: \$25,000.00  
Interest: Unspecified  
Other: Unspecified

**Award Data**

Award: \$.00  
Interest: \$.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) The claims of the Claimants are dismissed in their entirety. 2) All requests for interest are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimants deposited previously.

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

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Award 06-00164

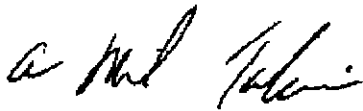
Arthur Neil Tolciss, Esq.

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Sole Public Arbitrator

AFFIRMATION

I, Arthur Neil Tolciss, Esq., 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.



June 19, 2006

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Arthur Neil Tolciss, Esq.

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(Signature Date)

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June 22, 2006

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