
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Jeffrey Cohen

Case Number: 06-00343

Names of the Respondents
Sterling Financial Investment Group, Inc.
Alexis Korybut

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Jeffrey Cohen, hereinafter referred to as "Claimant": Delmer C. Gowing, III, Esq., Law Office of Delmer C. Gowing, III, Ocean Ridge, Florida.

For Sterling Financial Investment Group, Inc. ("Sterling") and Alexis Korybut ("Korybut"), hereinafter collectively referred to as "Respondents": Peter Tickin, Esq., Tickin & Rodriguez, P.A., Boca Raton, Florida.

CASE INFORMATION

Statement of Claim filed on or about: January 23, 2006.

Claimant signed the Uniform Submission Agreement: January 18, 2006.

Answer, Affirmative Defenses and "Counterclaim" filed by Respondents on or about: March 17, 2006.

Respondent Sterling signed the Uniform Submission Agreement: March 24, 2006.

Respondent Korybut signed the Uniform Submission Agreement: April 3, 2006.

CASE SUMMARY

Claimant asserted the cause of action of breach of employment agreement. The cause of action relates to allegedly unlawful deductions made from Claimant's paychecks.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$65,000.00, representing 40% of the deductions plus interest at the rate of 8% from the time of the deductions, as well as attorneys' fees and costs.

Respondents did not specifically delineate a relief request in their Answer to the Statement of Claim. During the evidentiary hearing, Respondents requested reimbursement of their attorneys' fees, and Respondent Korybut requested that this matter be expunged from his NASD Central Registration Depository ("CRD") records.

OTHER ISSUES CONSIDERED AND DECIDED

Contained in Respondents' Answer to the Statement of Claim was a Counterclaim asserted by Respondent Sterling against Claimant. In correspondence sent to Respondent Sterling on March 21, 2006, NASD Dispute Resolution notified Respondent Sterling that because Respondent Sterling had not paid the requisite claim filing fee and hearing session deposit, the Counterclaim was not yet deemed filed, and that Respondent Sterling's payment was to be remitted no later than April 3, 2006 in order for this deficiency to be cured. Respondent Sterling did not make the requisite payment. Accordingly, the Counterclaim was never deemed filed and the Panel made no determination on the allegations contained in the Counterclaim.

The parties have agreed that the Award in this matter may be entered in counterpart copies or that a signed handwritten Award may be entered.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's claim is denied in its entirety.

The parties' respective requests for attorneys' fees are denied.

The Panel finds that Respondent Korybut acted within the scope of his employment and recommends the expungement of all reference to the above captioned arbitration from Respondent Korybut's registration records maintained by the CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Korybut must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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
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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, Respondent Sterling is a party to this dispute and is a member of NASD:

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00
Total Member Fees	= \$3,550.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were filed in this matter.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No cancellation fees were assessed in this matter.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred during this proceeding.

Forum Fees and Assessments

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

One (1) Pre-hearing session with the Panel @ \$750.00/session	= \$ 750.00
Pre-hearing conference: June 5, 2006 1 session	
Four (4) Hearing sessions with the Panel @ \$750.00/session	= \$3,000.00
Hearing Dates: January 30, 2007 2 sessions	
January 31, 2007 2 sessions	
Total Forum Fees	= \$3,750.00

The Panel has assessed \$1,875.00 of the forum fees to Claimant

The Panel has assessed \$1,875.00 of the forum fees to Respondent Sterling.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during this proceeding.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$1,875.00
Total Fees	= \$2,100.00
Less payments	= \$1,750.00
Balance Due NASD Dispute Resolution	= \$ 350.00

Respondent Sterling is solely liable for:

Member Fees	= \$3,550.00
Forum Fees	= \$1,875.00
Total Fees	= \$5,425.00
Less payments	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$1,875.00

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

ARBITRATION PANEL

<i>Lionel P. Greenbaum</i>	-	<i>Non-Public Arbitrator, Presiding Chairperson</i>
<i>James G. Gertz</i>	-	<i>Non-Public Arbitrator</i>
<i>Marissa Miranda McDermott</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

/s/
Lionel P. Greenbaum,
Non-Public Arbitrator, Presiding Chairperson

February 1, 2007
Signature Date

/s/
James G. Gertz
Non-Public Arbitrator

February 2, 2007
Signature Date

/s/
Marissa Miranda McDermott
Non-Public Arbitrator

February 2, 2007
Signature Date

February 2, 2007
Date of Service (For NASD Dispute Resolution office use only)

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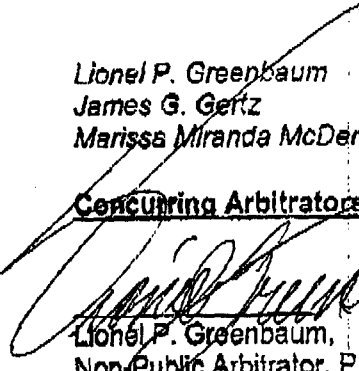
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James G. Gertz
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- Non-Public Arbitrator

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Non-Public Arbitrator, Presiding Chairperson


Signature Date

James G. Gertz
Non-Public Arbitrator

Signature Date

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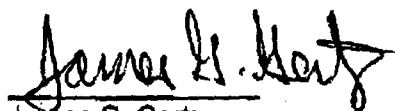
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Non-Public Arbitrator

Signature Date

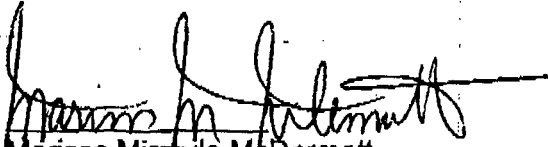
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Signature Date

NASD Dispute Resolution

Arbitration No. 06-00343

Award Page 5



Marissa Miranda McDermott

Non-Public Arbitrator

2/2/07

Signature Date

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