

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

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CASE: 06-00743

McGinn, Smith & Co., Inc., (Claimant) vs. Rhonda Fishman, (Respondent)

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**ATTORNEYS:**

For Claimant appeared in-house counsel David L. Smith, Esq., Albany, NY.

For Respondent appeared Brian H. Reis, Esq., of the firm Law Offices of Brian Reis, New York, NY.

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**NATURE OF DISPUTE:** Member v. Associated Person

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**DATE FILED:** February 14, 2006

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**CASE SUMMARY:** Claimant alleged that Respondent breached a contract by failing to repay monies owed pursuant to the terms of a promissory note. Claimant maintained that due to Respondent's actions, the firm suffered a financial loss.

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**ARBITRATOR'S REPORT:** See attached Exhibit A.

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**Claim Data**

Claim: \$17,314.75  
Interest: \$634.24  
Filing Fees: \$1,475.00  
Other Costs: \$500.00

**Award Data**

Award: \$17,314.75  
Interest: \$634.24  
Filing Fees: \$1,050.00  
Other Costs: \$500.00

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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) Respondent is liable and shall pay to the Claimant \$17,314.75. 2) Respondent is liable and shall pay to the Claimant \$634.24 as interest. 3) Respondent is liable and shall pay to the Claimant \$500.00 for other administrative costs. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$1,050.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay Claimant \$1,050.00 as reimbursement of the filing fee.

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

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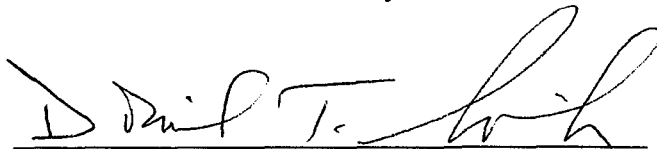
Page Two  
Award 06-00743

Dominick T. Scianandre

Sole Non-Public Arbitrator

AFFIRMATION

I, Dominick T. Scianandre, 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.



Dominick T. Scianandre

12-3-06

(Signature Date)

December 7, 2006  
Date of Service (For NASD-DR office use only)

# EXHIBIT A

December 1, 2006

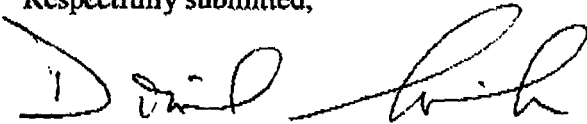
RE: McGinn Smith & Co. v Rhonda Fishman Case # 06-00743

McGinn Smith & Co, in their statement of claim, filed for repayment of loan to Ms. Fishman, balance due \$17,314.75. In Ms. Fishman's affidavit of confession she acknowledged there was a balance due but the calculation was in dispute. Ms. Fishman was given ample notice and time to produce documents and/or calculations to adjust the judgment. Ms. Did not respond to this request, therefore, I find for the claimant in full

\$17,314.75 Loan balance  
\$634.24 Interest requested  
\$1,475.00 Forum Fees  
\$500.00 Administrative cost

The claimant had not requested punitive damage. I usually recommend Forum and administrative cost be divided equally, however, due to Ms. Fishman indifference to the request to produce documents, I also assessed these charges against the respondent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dominick Scianandre', written in a cursive style.

Dominick Scianandre