

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

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CASE: 06-00969

Douglas Fleming, (Claimant) vs. Pointe Capital, LLC, (Respondent)

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**ATTORNEYS:**

Claimant appeared *pro se*, Lenoir City, TN.

For Respondent appeared in-house counsel, Daniel R. Levene, Boca Raton, FL.

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

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**DATE FILED:** February 24, 2006

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**CASE SUMMARY:** Claimant alleged that Respondent failed to supervise and misrepresented material facts regarding investments in his account. Claimant maintained that due to Respondent's actions, he suffered a financial loss. Claimant's claim involved common stock and limited partnerships.

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**ARBITRATOR'S REPORT:** Claimant failed to present any evidence of actual damage or loss. Accordingly, Case Number 06-00969, Douglas Fleming v. Pointe Capital, LLC is dismissed.

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**Claim Data**

Claim: \$13,200.00  
Attorney Fees: Unspecified  
Filing Fees: Unspecified

**Award Data**

Award: \$.00  
Attorney Fees: \$.00  
Filing Fees: \$.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 Claimant are dismissed in their entirety. 2) All requests for attorney fees are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant 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 06-00969

Frank E. Barnett, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Frank E. Barnett, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.



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Frank E. Barnett, Esq.

7-11-06  
(Signature Date)

July 18, 2006  
Date of Service (For NASD-DR office use only)