

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

May Davis Group Inc., (Claimant) vs. J. Christopher Botero, (Respondent)

Case Number: 99-01016

Hearing Site: New York, New York

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**REPRESENTATION OF PARTIES**

Claimant, May Davis Group Inc., hereinafter referred to as "Claimant": Adam L. Goldberg, Esq., General Counsel, May Davis Group Inc., New York, NY.

Respondent, J. Christopher Botero, hereinafter referred to as "Respondent", did not make an appearance in this matter.

**CASE INFORMATION**

Statement of Claim filed on or about: March 2, 1999.

Claimant signed the Uniform Submission Agreement: February 26, 1999.

Respondent did not file a Statement of Answer or sign a Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following causes of action: wrongful acts, occurrences, events, and/or omissions committed by Respondent; Respondent executed an unauthorized transaction; wrote a bogus sell order ticket; and Respondent asked his client to lie for him by stating that the purchase was authorized by the client.

**RELIEF REQUESTED**

Claimant requested:

Compensatory Damages:	\$30,000.00
Punitive Damages	unspecified
Attorneys' Fees	unspecified
Costs	unspecified
Other Monetary Relief	unspecified

During the hearing in this matter, Claimant withdrew its claim for attorneys' fees.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrator (the "Arbitrator") determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent did not file with NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

### **AWARD**

After considering the pleadings, the 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. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$25,681.51 as compensatory damages.
2. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$500.00, to reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution, Inc.
3. Claimant's request for punitive damages is hereby denied.
4. All other requests for relief are hereby denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$ 500.00
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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. In this matter, May Davis Group Inc. is a party.

Member surcharge	= \$ 600.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$1,000.00

### **Forum Fees and Assessments**

The Arbitrator assesses forum fees for each hearing session conducted. A hearing 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:

One (1) Pre-hearing session with a single arbitrator x \$300.00	= \$ 300.00
Pre-hearing conference: May 30, 2000	1 session

One (1) Hearing session x \$300.00	= \$ 300.00
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Hearing Date: August 14, 2000	1 session
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Total Forum Fees	= \$ 600.00
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The Arbitrator has assessed all of the forum fees against Respondent.

### **Fee Summary**

1. Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$ 500.00
<u>Member Fees</u>	= <u>\$2,200.00</u>
Total Fees	= \$2,700.00
<u>Less payments</u>	= <u>\$1,100.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$1,600.00

*As stated in the "Award" section above, Respondent is liable and shall reimburse Claimant for the \$500.00 filing fee.*

2. Respondent be and hereby is solely liable for:

<u>Forum Fees</u>	= \$ 600.00
<u>Total Fees</u>	= \$ 600.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution, Inc.</u>	= \$ 600.00


All balances are due and payable to NASD Dispute Resolution, Inc.

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**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 E. Thompson, Esq.  
Public Arbitrator

8-28-00  
Signature Date

August 29, 2000  
Date of Service (For NASD office use only)