

**Award
NASD Regulation, Inc.**

In the Matter of the Arbitration Between:

George Bialecki, Jr., (Claimant) vs. Patterson Travis, Inc., Judah L. Wernick, Adam Pekale, and Glen W. Dautrick

Case Number: 99-01552

Hearing Site: Chicago, Illinois

REPRESENTATION OF PARTIES

Claimant George Bialecki, Jr. ("Bialecki"): Otto K. Hilbert, II., Esq., Reinhart, Boerner, Van Deuren Denver, Colorado.

Respondent Patterson Travis, Inc. ("Patterson Travis"): Calvin J. Domenico, Jr. Esq., Paterson Travis, Inc., Englewood, Colorado.

Respondent Judah L. Wernick ("Wernick") was *pro se*.

Respondent Adam M. Pekale ("Pekale") was *pro se*.

Respondent Glen Dautrick ("Dautrick"): Richard C. Fooshee, Esq., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: April 01, 1999

Claimant Bialecki signed the Uniform Submission Agreement: March 24, 1999.

Statement of Answer filed by Respondent Patterson Travis on or about: August 02, 1999.

Statement of Answer filed by Respondent Wernick on or about: August 02, 1999.

Statement of Answer filed by Respondent Pekale on or about: August 02, 1999.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract, negligence, breach of fiduciary duty, unauthorized trading, unsuitability, churning and securities fraud

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$148,595.00
Punitive Damages	unspecified
Interest	unspecified
Attorneys' Fees	unspecified
Other Costs	unspecified

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Patterson Travis, Wernick , Pekale, and Dautrick did not file with the NASD Regulation, Inc. Office of Dispute Resolution a properly executed submission to arbitration but are required to submit to arbitration pursuant to the Code and having answered the claim, appeared and testified at the hearing are bound by the determination of the Panel on all issues submitted.

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

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents Patterson Travis, Inc., Judah L. Wernick, and Adam Pekale shall be and hereby are jointly and severally liable to Claimant Bialecki, Jr. in the amount of \$30,000.00 as compensatory damages.
2. Respondents Patterson Travis, Inc. Judah L. Wernick, and Adam Pekale shall be and hereby are jointly and severally liable to Claimant Bialecki, Jr. for interest on such amount for the period of July 15, 1998 until paid at the legal rate in Illinois recoverable on judgments (the "Award").
3. Respondents Patterson Travis, Inc. Judah L. Wernick, and Adam Pekale shall be and hereby are jointly and severally liable to Respondent Glen W. Dautrick for his attorney fees and costs related to the Arbitration (such as attorney costs for lodging, transportation, meals, copy fees, telephone charges, etc.), but not Dautrick's personal costs related to attending the hearing.

4. Respondent Patterson Travis, Inc. shall reimburse Claimant George Bialecki's NASD filing fee.
5. Any and all relief not specifically addressed herein, including punitive damages, is denied with prejudice.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee = \$300.00

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, the member firm is a party.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 600.00
<u>Hearing process fee</u>	<u>= \$2,500.00</u>
Total	= \$ 4,600.00

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$300.00	= \$ 300.00
Pre-hearing conference: November 18, 1999	1 session

Seven (7) Hearing sessions x \$300.00	= \$2,100.00
Hearing Date: May 22, 2000	2 sessions
May 23, 2000	3 sessions
May 24, 2000	2 Sessions

Total Forum Fees	= \$2,400.00
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1. The Panel has assessed \$2,400.00 of the forum fees to Respondent Travis Patterson.

Fee Summary

1. Claimant Bialecki shall be and hereby is solely liable for:

<u>Initial Filing Fee</u>	= \$ 300.00
<u>Total Fees</u>	= \$ 300.00
<u>Less payments</u>	= \$ 1,425.00
Balance Due NASD Regulation, Inc.	= \$(1,125.00)

2. Respondent Travis Patterson shall be and hereby is solely liable for:

Member Fees	= \$4,600.00
<u>Forum Fees</u>	= \$2,400.00
<u>Total Fees</u>	= \$7,000.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Regulation, Inc.	= \$7,000.00

All balances are due to NASD Regulation, Inc.

Concurring Arbitrators' Signatures

/s/ Don Muyskens

06/28/00

Don Muyskens, Esq.
Public Arbitrator, Presiding Chair

Signature Date

/s/ Thomas A. Bondi

06/19/00

Thomas Bondi, Esq.
Public Arbitrator

Signature Date

/s/ Mark E. Larson

06/30/00

Mark Larson
Industry Arbitrator

Signature Date

06/30/00

Date of Service (For NASD office use only)

NASD Regulation, Inc. Office of Dispute Resolution
Arbitration No. 99-01552
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Public Arbitrator, Presiding Chair

6/28/00
Signature Date

Thomas Bondi, Esq.
Public Arbitrator

Signature Date

Mark Larson
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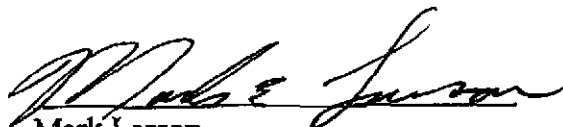
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