

Stipulated Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Hazel Hopkins

Case No. 99-02157

Names of Respondents

Harry Nell
First Lauderdale Securities, Inc.
Michael B. Curran
Jayne Reed Curran

REPRESENTATION OF PARTIES

For Claimant: Barbara L. Wolf, Esq. of Barbara L. Wolf, P.A., Ft. Lauderdale, FL.

For Respondent Harry Nell: Dennis H. Nell, Yaphank, NY.

For Respondent First Lauderdale Securities, Inc. ("FLS"): Michael B. Curran, President, Wilton Manors, FL.

Respondents Michael B. Curran and Jayne Reed Curran appeared pro se.

CASE INFORMATION

Statement of Claim filed on or about May 10, 1999.

Amended Statement of Claim filed on or about August 18, 1999.

Claimant signed the Uniform Submission Agreement on May 26, 1999.

Statement of Answer filed by Harry Nell on or about August 11, 1999.

Statement of Answer filed by Michael B. Curran on or about September 22, 1999.

Respondents Jayne Reed Curran and FLS did not file Statements of Answer.

Respondents did not file executed Uniform Submission Agreements. (See "Other Issues").

CASE SUMMARY

Claimant alleged the following: Between September 29, 1992 and November 8, 1994, Respondents induced Claimant, a very elderly widow, to utilize the vast majority of her assets to purchase four promissory notes ("Notes") in the total amount of \$76,000.00 from Keller Financial Services ("Keller"), the repayment of which was based upon the speculative and risky sub-prime automobile finance industry. Respondents failed to disclose various

relevant risks to Claimant including the high risk of default, limited remedies in the event of default on the Notes, and risks incurred as a result of the failure to diversify her investments. Within two months after selling Claimant the last Note for \$42,000.00, Respondents went out of business. Thereafter, Keller defaulted in payment on the four Notes that Respondents sold to Claimant. As a result of Respondents' fraud, deceit, and misrepresentation, Claimant has sustained damages in the amount of \$84,075.00.

Respondents Harry Nell and Michael B. Curran denied the allegations contained in the Statement of Claim.

RELIEF REQUESTED

Claimant requested compensatory damages of \$84,075.00, interest, reasonable attorneys' fees, costs, and such other relief as the arbitrators deemed appropriate in these circumstances.

Respondents did not specifically delineate a relief request.

OTHER ISSUES CONSIDERED AND DECIDED

On December 3, 1999, Claimant filed its Motion to Dismiss Individual Respondents and to Enter Stipulated Award Against First Lauderdale Securities, Inc. (the "Motion"). On or about December 27, 1999, the Panel issued an order which granted the Motion.

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, and the Agreement to Stipulated Award Against First Lauderdale Securities, Inc. by First Lauderdale Securities, Inc., the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent First Lauderdale Securities, Inc. acknowledges and admits its liability for those actions set forth in Claimant's Statement of Claim, specifically including, but not limited to Count I "Section 517.301 Florida Statutes - Fraud, Deceit and Misrepresentation".
2. Respondent First Lauderdale Securities, Inc. consents to the entry of a Stipulated Award against it in this arbitration holding First Lauderdale Securities, Inc. liable and responsible for payment to Claimant in the amount of eighty-four thousand seventy-five dollars and no cents (\$84,075.00).
3. Respondent First Lauderdale Securities, Inc. consents, agrees, and acknowledges that its actions against Claimant with respect to the sale of the Keller Financial Services Notes included falsification and concealment of facts and the making of misleading, fraudulent and

deceptive statements which are unlawful under Florida Statutes Section 517.301.

4. Respondent First Lauderdale Securities, Inc. consents, agrees and acknowledges that its actions have caused Claimant to suffer monetary damages as a result of its violation of Florida Statutes Section 517.301.
5. Respondent First Lauderdale Securities, Inc. agrees that this stipulated award shall be in full settlement of all claims submitted to this arbitration.
6. Respondent First Lauderdale Securities, Inc. agrees that other than the forum fees, the parties shall each bear their own respective costs, attorneys' fees and expenses incurred by them in connection with this proceeding.
7. Respondent First Lauderdale Securities, Inc. agrees to execute any other documents necessary to enter this stipulated award in this arbitration proceeding.
8. All claims against Respondents Harry Nell, Michael B. Curran, and Jayne Reed Curran are dismissed, 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	= \$ 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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm, First Lauderdale Securities, Inc. is a party.

Member surcharge	= \$1000.00
Pre-hearing process fee	= \$ 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(s) with Panel	x \$750.00	= \$ 750.00
Pre-hearing conferences:	December 1, 1999	1 session
Total Forum Fees		= \$ 750.00

The Panel has assessed \$750.00 of the forum fees to Claimant.

Fee Summary

Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	= \$ 750.00
Total Fees	= \$ 975.00
<u>Less payments</u>	= \$ 975.00
Balance Due NASD Regulation, Inc.	= \$ 0.00

Respondent FLS be and hereby is solely liable for:

<u>Member Fees</u>	= \$1600.00
Total Fees	= \$1600.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Regulation, Inc.	= \$1600.00

All balances are due and payable to NASD Regulation, Inc.

Concurring Arbitrators' Signatures

/s/

Robert H. Loevin, Esq.
Public Arbitrator, Presiding Chair

Signature Date

/s/

Edward Aptaker, Esq.
Public Arbitrator

Signature Date

/s/

Joel H. Holzer
Industry Arbitrator

Signature Date

March 21, 2000

Date of Service (For NASD office use only)

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Robert H. Loevin

Robert H. Loevin, Esq.
Public Arbitrator, Presiding Chair

3/3/00
Signature Date

Edward Aptaker, Esq.
Public Arbitrator

Signature Date

Joel H. Holzer
Industry Arbitrator

Signature Date

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Robert H. Loevin, Esq.
Public Arbitrator, Presiding Chair

Signature Date


Edward Aptaker, Esq.
Public Arbitrator

3/2/00
Signature Date

Joel H. Holzer
Industry Arbitrator

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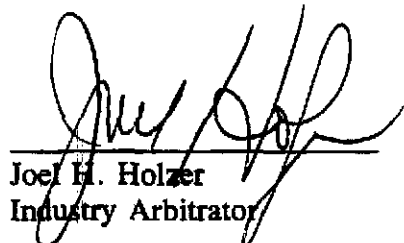
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Robert H. Loevin, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Edward Aptaker, Esq.
Public Arbitrator

Signature Date



Joel H. Holzer
Industry Arbitrator

3/2/00
Signature Date

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