

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

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In the Matter of the Arbitration Between:

Jesup & Lamont Securities Corp., (Claimant) vs. C. Arthur, LLC, CCF Capital Group, Inc., Arthur Wheeler, Carlos B. Zadunaisky, Steven Nocito, David Nocito, Scott Wright, James Young, Louis Lore, Southeast Holdings, Leonard Thoubburon, Gerard Thoubburon, and Waylon McMullan, (Respondents)

Case Number: 99-04170

Hearing Site: New York, New York

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**REPRESENTATION OF PARTIES**

Claimant Jesup & Lamont Securities Corp., hereinafter referred to as "Claimant": Leonard J. Falcone, Esq., Falcone, Esq., Falcone, Houdek, Bailey & Curd, LLP, Hempstead, NY.

Respondents C. Arthur, LLC ("C. Arthur"), CCF Capital Group, Inc. ("CCF"), Arthur Wheeler ("Wheeler"), Carlos B. Zadunaisky ("Zadunaisky"), Steven Nocito ("S. Nocito"), David Nocito ("D. Nocito"), Scott Wright ("Wright"), James Young ("Young"), Louis Lore ("Lore"), Southeast Holdings ("Southeast"), Leonard Thoubburon ("L. Thoubburon"), Gerard Thoubburon ("G. Thoubburon"), and Waylon McMullan ("McMullan"), hereinafter referred to collectively as "Respondents" did not enter appearances in this matter.

**CASE INFORMATION**

Statement of Claim filed on or about: September 10, 1999.

Claimant signed the Uniform Submission Agreement: August 17, 1999.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **CASE SUMMARY**

Claimant asserted the following cause of action: failure to remit funds to pay for purchases of Retrospectiva, Inc. stock placed in account.

Respondents did not submit Statements of Answers in this matter.

#### **RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$30,967.79, plus costs and attorneys' fees.

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

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators (the "Panel") determined that Respondents C. Arthur, CCF, Wheeler, Zadunaisky, S. Nocito, D. Nocito, Wright, Young, Lore, Southeast, L. Thoubburon, G. Thoubburon, and McMullan have 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 Respondents present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

C. Arthur, CCF, Wheeler, Zadunaisky, S. Nocito, D. Nocito, Wright, Young, Lore, Southeast, L. Thoubburon, G. Thoubburon, and McMullan did not file with NASD Dispute Resolution, Inc. properly executed submissions to arbitration. However, the panel determined that there existed a duly executed enforceable arbitration agreement between Claimant and each of the Respondents and, therefore, the arbitrators determined that each of the Respondents are required to submit to arbitration pursuant to the Code and are bound by

the determination of the Panel on all issues submitted.

During the hearing in this matter Claimant verbally amended, with the consent of the panel, the trade date referenced in the Statement of Claim to conform with the trade date on the confirmations for the purchases in question.

During the hearing in this matter Claimant withdrew its Motion for Default Judgment.

Claimant, the only party to participate in this proceeding, 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 be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$30,967.79 as compensatory damages.
2. Respondents be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$5,000.00 as attorneys' fees. The Panel awarded attorneys' fees pursuant to the terms of Respondents' customer account agreement.
3. Respondents be and hereby are jointly and severally liable for and shall pay to Claimant the sum of \$1,000.00, to reimburse Claimant for the non-refundable filing fee previously paid to NASD Dispute Resolution, Inc.
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	= \$1,000.00
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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, Jesup & Lamont Securities Corp. is a party.

Member surcharge	= \$ 800.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$1,000.00

### **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 arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$600.00	= \$ 600.00
Pre-hearing conference: September 7, 2000	1 session

One (1) Hearing session x \$600.00	= \$ 600.00
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Hearing Date: November 14, 2000	1 session
Total Forum Fees	= \$1,200.00

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The Panel has assessed all of the forum fees jointly and severally against Respondents.

### **Fee Summary**

1. Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$2,400.00
Total Fees	= \$3,400.00
Less payments	= \$3,000.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 400.00

2. Respondents be and hereby are jointly and severally liable for:


Forum Fees	= \$1,200.00
Total Fees	= \$1,200.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,200.00

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



**Concurring Arbitrators' Signatures**

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.

  
Bennett A. Hall  
Public Arbitrator, Presiding Chair

  
Signature Date

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Alexandra L. Dunaif  
Public Arbitrator

\_\_\_\_\_  
Signature Date

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R. Scott Garley, Esq.  
Industry Arbitrator

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Signature Date

December 26, 2000  
Date of Service (For NASD office use only)

NASD Dispute Resolution, Inc.  
Arbitration No. 99-04170  
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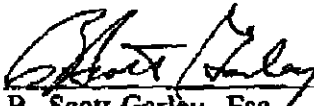
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Alexandra L. Dunaif  
Public Arbitrator

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Signature Date

  
\_\_\_\_\_  
R. Scott Garley, Esq.  
Industry Arbitrator

12/27/00  
\_\_\_\_\_  
Signature Date

December 26, 2000  
Date of Service (For NASD office use only)