

**Award  
FINRA Dispute Resolution**

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In the Matter of the Arbitration Between:

Claimants

James Dolan  
Daniel Dvorznak  
Nicholas Tsikitas

Case Number: 12-00341

vs.

Respondent

Anthony Salamone

Hearing Site: New York, New York

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Nature of the Dispute: Associated Persons vs. Associated Person

**REPRESENTATION OF PARTIES**

For Claimants James Dolan ("Dolan"), Daniel Dvorznak ("Dvorznak"), and Nicholas Tsikitas ("Tsikitas"): Ian J. Frimet, Esq., Burkhart Wexler & Hirschberg, LLP, Garden City, New York.

Respondent Anthony Salamone appeared pro se. Previously represented by Robert M. Bursky, Esq., Melville, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: January 31, 2012.  
Dolan signed the Submission Agreement: January 25, 2012.  
Dvorznak signed the Submission Agreement: January 25, 2012.  
Tsikitas signed the Submission Agreement: January 25, 2012.

Statement of Answer filed by Respondent on or about: April 26, 2012.  
Respondent signed the Submission Agreement: April 27, 2012.

**CASE SUMMARY**

Claimants asserted the following causes of action: breach of contract and unjust enrichment

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimants requested compensatory damages in the amount of \$43,312.50 plus interest at the rate of 9% per annum from April 8, 2010, attorneys' fees, and costs.

Respondent requested that Claimants' claim be dismissed with prejudice, that Claimants be assessed all forum fees, and for such other and further relief the Arbitrator deems just and proper.

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

The Arbitrator acknowledges that he has read the pleadings and other materials filed by the parties.

### **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 is liable for and shall pay to Claimants compensatory damages in the amount of \$34,500.00.
2. Respondent is liable for and shall pay to Claimants attorneys' fees in the amount of \$4,345.00. The Arbitrator awarded attorneys' fees pursuant to the terms of the parties' agreement.
3. Respondent is liable for and shall pay to Claimants \$150.00 to reimburse Claimants for the non-refundable portion of the filing fee previously paid to FINRA Dispute Resolution.
4. Any and all relief not specifically addressed herein is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

FINRA Dispute Resolution assessed a filing fee\* for each claim:

Initial Claim Filing Fee = \$ 600.00

*\*The filing fee is made up of a non-refundable and a refundable portion.*

**Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

January 3, 2013 adjournment by Respondent	= \$ 450.00
February 4, 2013 adjournment by Respondent	WAIVED

**Three-Day Cancellation Fees**

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

February 4, 2013 adjournment by Respondent	= \$ 100.00
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**Hearing Session Fees and Assessments**

The Arbitrator has assessed hearing session fees for each session conducted. A 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 @ \$450.00	= \$ 450.00
Pre-hearing conference: June 21, 2012 1 session	

One (1) Hearing session @ \$450.00	= \$ 450.00
Hearing Date: March 19, 2013 1 session	

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Total Hearing Session Fees	= \$ 900.00
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The Arbitrator has assessed the hearing session fees of \$900.00 to Respondent.

All balances are payable to FINRA Dispute Resolution and are due upon receipt.

**ARBITRATOR**

Denzil J. Klippel

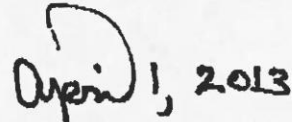
Sole Public Arbitrator

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.

**Arbitrator's Signature**



Denzil J. Klippel  
Sole Public Arbitrator



Signature Date

April 3, 2013

Date of Service (For FINRA Dispute Resolution office use only)