

**Award
FINRA Dispute Resolution**

In the Matter of the Arbitration Between:

Claimants
Ronald Davi
Nicole Davi Perry

Case Number: 10-03067

vs.

Respondent
Oppenheimer & Co., Inc.

Hearing Site: New York, New York

Nature of the Dispute: Customers vs. Member

REPRESENTATION OF PARTIES

Claimants Ronald Davi ("Davi") and Nicole Davi Perry ("Perry"), hereinafter collectively referred to as "Claimants": Glenn S. Gitomer, Esq., McCausland Keen & Buckman, Radnor, PA.

Respondent Oppenheimer & Co., Inc., hereinafter referred to as "Respondent": Michael J. McAllister, Esq., Satterlee Stephens Burke & Burke LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: July 2, 2010.

Ronald Davi signed the Submission Agreement: June 28, 2010.

Nicole Davi Perry signed the Submission Agreement: June 28, 2010.

Statement of Answer filed by Respondent on or about: September 14, 2010.

Oppenheimer & Co., Inc. signed the Submission Agreement: September 11, 2010.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty, breach of contract, negligence, gross negligence, failure to supervise, breach of the anti-fraud provisions of the securities laws of Connecticut, C.G.S.A. Section 336-29, and New Jersey, N.J.S.A. Section 49:3-71, breach of Section 10b of the Securities Exchange Act of 1934, 15 U.S.C. Section 78j(b), and Rule 10b-5 promulgated thereunder, and fraud.

FINRA Dispute Resolution
Arbitration No. 10-03067
Award Page 2 of 5

The causes of action relate to New Jersey St Edl Facs Auth Re NJ XLCA due 7/1/35, New Jersey St Edl Facs Auth Re NJ FGIC 3.35% due 7/1/37, New Jersey St Tpk Auth Tpk Rev NJ MBIA 3.6% due 1/1/30, Salem County NJ Pollutn Ctl Fin NJ XLCA 3.5% due 11/01/33, and Harris Cnty Tex Health Facs DE TX MBIA due 6/1/24 ("Harris County Bonds").

Unless specifically admitted in its 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 that an award be entered in their favor and against Respondent for rescission of the purchase of the remaining ARS and seek to recover the consideration paid for the remaining ARS, together with the loss of its investment opportunities or interest at the legal rate from the date of payment, less the amount of income or distribution, in cash or kind, received on the remaining ARS, plus attorneys' fees, costs, and punitive damages. Alternatively, Claimants seek damages for the decline in market value of the remaining ARS and loss of investment opportunity or interest suffered from receiving short-term rates on long term debt.

At the hearing, Claimant Perry requested rescission, money damages in the amount of \$1,226,424.00, and attorneys' fees in the amount of \$150,000.00.

In its Statement of Answer, Respondent requested that the Panel dismiss the Statement of Claim with prejudice, with no award of damages, rescission, losses or consequential damages.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

By correspondence dated January 5, 2011, Claimants submitted a motion on behalf of the parties jointly requesting the dismissal without prejudice of the claims of Davi. After due deliberation and by Order dated February 18, 2011, the Panel granted the Claimants' 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, the testimony and evidence presented at the hearing, and post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant Perry is entitled to rescission as follows: Respondent is ordered to repurchase Perry's New Jersey St Tpk Auth Tpk Rev NJ MBIA 3.6% due 1/1/30 ARS, for the amount of \$5,975,000.00.
2. Respondent is liable for and shall pay to Claimant Perry attorneys' fees in the amount of \$134,108.00. The Panel awarded attorneys' fees pursuant to the Connecticut Uniform Securities Act.
3. Any and all relief not specifically addressed herein, including punitive damages, 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	= \$ 1,250.00
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**The filing fee is made up of a non-refundable and a refundable portion.*

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. Accordingly, as a party, Oppenheimer & Co., Inc., is assessed the following:

Member surcharge	= \$ 1,500.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,200.00

Contested Motion for Issuance of a Subpoena Fees

Fees apply for each decision on a contested motion for the issuance of a subpoena.

One (1) Decision on a contested motion for issuance of a subpoena. with (1) one arbitrator @ \$200.00	= \$ 200.00
Total Contested Motion for Issuance of Subpoenas Fees	= \$ 200.00

1. The Panel has assessed \$100.00 of the contested motion for issuance of subpoena fees to Perry.
2. The Panel has assessed \$100.00 of the contested motion for issuance of subpoena fees to Respondent.

FINRA Dispute Resolution
 Arbitration No. 10-03067
 Award Page 4 of 5

Hearing Session Fees and Assessments

The Panel has assessed hearing session fees for each session conducted. A 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 Arbitrator @ \$450.00	= \$	450.00
Pre-hearing conference: September 20, 2011	1 session	
One (1) Pre-hearing session with Panel @ \$1,000.00	= \$	1,000.00
Pre-hearing conference: December 8, 2010	1 session	
Seven (7) Hearing sessions @ \$1,000.00	= \$	7,000.00
Hearing Dates: November 29, 2011	2 sessions	
November 30, 2011	2 sessions	
December 1, 2011	2 sessions	
December 2, 2011	1 session	
Total Hearing Session Fees	= \$	8,450.00

1. The Panel has assessed \$4,225.00 of the hearing session fees to Perry.
2. The Panel has assessed \$4,225.00 of the hearing session fees to Respondent.

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

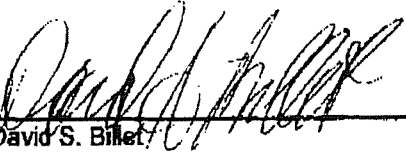
FINRA Dispute Resolution
Arbitration No 10-03067
Award Page 5 of 5

ARBITRATION PANEL

David S. Billet	-	Public Arbitrator, Presiding Chairperson
Martin H. Jaffe	-	Public Arbitrator
John J. Witkowski, Jr.	-	Non-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.

Concurring Arbitrators' Signatures



David S. Billet
Public Arbitrator, Presiding Chairperson



Signature Date

Martin H. Jaffe
Public Arbitrator

Signature Date

John J. Witkowski, Jr.
Non-Public Arbitrator

Signature Date

January 5, 2012

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

FINRA Dispute Resolution
Arbitration No. 10-03067
Award Page 5 of 5

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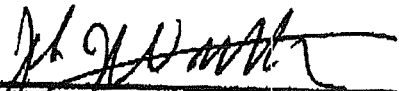
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David S. Billet
Public Arbitrator, Presiding Chairperson

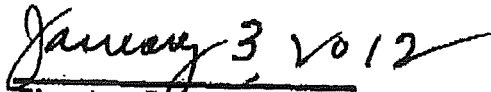
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Public Arbitrator

Signature Date



John J. Witkowski, Jr.
Non-Public Arbitrator



Signature Date

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