

**Award
FINRA Dispute Resolution**

In the Matter of the Arbitration Between:

John D. Bartolomeo (Claimant) vs. Christopher Fenton and M&T Securities, Inc.
(Respondents)

Case Number: 10-00883

Hearing Site: Albany, New York

Nature of the Dispute: Customer vs. Member and Associated Person

REPRESENTATION OF PARTIES

Claimant John D. Bartolomeo, hereinafter referred to as "Claimant": John Doar, Esq.,
Doar Rieck Kaley & Mack, New York, NY.

Respondents Christopher Fenton ("Fenton") and M&T Securities, Inc. ("M&T"),
hereinafter collectively referred to as "Respondents": Catherine Grantier Cooley, Esq.,
Hodgson Russ, LLP, Buffalo, NY.

CASE INFORMATION

Statement of Claim filed on or about: February 24, 2010.
Claimant signed the Submission Agreement: January 28, 2010.

Joint Statement of Answer filed by Respondents on or about: May 11, 2010.
M&T signed the Submission Agreement: May 20, 2010.
Fenton did not submit a Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract, failure to supervise, negligence, misrepresentations, omission of facts, suitability and breach of fiduciary duty. The causes of action relate to M&T Securities Portfolio Architect Account and Rochester Fund Municipals.

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

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$94,650.00, punitive damages in the amount of \$25,000.00, interest, costs, FINRA fees, attorneys' fees, witness and production costs, and other case-related fees.

Respondents requested an award denying all of Claimant's claims in their entirety.

At the close of the hearing, Claimant requested compensatory damages in the amount of \$106,961.00.

OTHER ISSUES CONSIDERED AND DECIDED

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

Respondent Fenton did not file with FINRA Dispute Resolution a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code and having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

At the January 5, 2011 hearing, Respondents made a Motion to Dismiss due to Statute of Limitations, which was held in abeyance. After due deliberation, the Panel denied Respondents' 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 the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents are jointly and severally liable for and shall pay to Claimant compensatory damages in the amount of \$30,000.00 plus interest at the rate of 9% per annum from January 6, 2011 until payment of the Award.
2. Respondents are jointly and severally liable for and shall pay to Claimant \$300.00 to reimburse Claimant for the non-refundable portion of the filing fee previously paid to FINRA Dispute Resolution.
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	= \$1,425.00
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**The filing fee is made up of a non-refundable and a refundable portion.*

In accordance with the "Award" section above, Respondents are jointly and severally liable for and shall pay to Claimant \$300.00 to reimburse Claimant for the non-refundable portion of the filing fee previously paid to FINRA Dispute Resolution.

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, M&T Securities, Inc. is assessed the following:

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

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 a single arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: September 17, 2010	1 session
One (1) Pre-hearing session with Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: August 5, 2010	1 session
Four (4) Hearing sessions @ \$1,125.00	= \$4,500.00
Hearing Dates: January 5, 2011	2 sessions
January 6, 2011	2 sessions
Total Hearing Session Fees	= \$6,075.00

1. The Panel has assessed \$607.50 of the hearing session fees to Claimant.
2. The Panel has assessed \$3,645.00 of the hearing session fees to Respondent Fenton.
3. The Panel has assessed \$1,822.50 of the hearing session fees to Respondent M&T.


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

ARBITRATION PANEL

Edward Morris	-	Public Arbitrator, Presiding Chairperson
Jeffrey Stockholm	-	Public Arbitrator
Robert Allen	-	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



Edward Morris
Public Arbitrator, Presiding Chairperson

1/13/11

Signature Date

Jeffrey Stockholm
Public Arbitrator

Signature Date

Robert Allen
Non-Public Arbitrator

Signature Date

January 19, 2011

Date of Service (For FINRA Dispute Resolution use only)

ARBITRATION PANEL

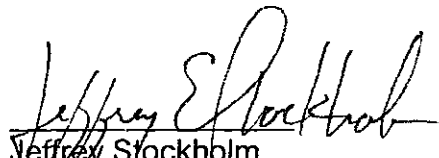
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Robert Allen	-	Non-Public Arbitrator

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Concurring Arbitrators' Signatures

Edward Morris
Public Arbitrator, Presiding Chairperson

Signature Date



Jeffrey Stockholm
Public Arbitrator

1/14/11

Signature Date

Robert Allen
Non-Public Arbitrator

Signature Date

January 19, 2011

Date of Service (For FINRA Dispute Resolution use only)