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Att  
 3/16/2004

SECURITIES AND EXCHANGE COMMISSION  
 Washington, D.C. 20549

**ANNUAL AUDITED REPORT  
 FORM X-17A-5  
 PART III**

SEC FILE NUMBER  
 8- 05851

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FACING PAGE

Information Required of Brokers and Dealers Pursuant to Section 17 of the Securities Exchange Act of 1934 and Rule 17a-5 Thereunder

REPORT FOR THE PERIOD BEGINNING 01/01/2003 AND ENDING 12/31/2003  
MM/DD/YY MM/DD/YY

**A. REGISTRANT IDENTIFICATION**

NAME OF BROKER-DEALER:

**Haberman Brothers**

OFFICIAL USE ONLY  
 FIRM I.D. NO.

ADDRESS OF PRINCIPAL PLACE OF BUSINESS: (Do not use P.O. Box No.)

**900 Third Avenue, 27th Floor**

(No. and Street)

**New York**  
(City)

**New York**  
(State)

**10022**  
(Zip Code)

NAME AND TELEPHONE NUMBER OF PERSON TO CONTACT IN REGARD TO THIS REPORT

**Paul Haberman**

**(212) 610-2675**

(Area Code - Telephone Number)

**B. ACCOUNTANT IDENTIFICATION**

INDEPENDENT PUBLIC ACCOUNTANT whose opinion is contained in this Report\*

**Kempisty & Company, Certified Public Accountants, P.C.**

(Name - if individual, state last, first, middle name)

**15 Maiden Lane, Suite 1003**  
(Address)

**New York**  
(City)

**New York**  
(State)

**10038**  
(Zip Code)

CHECK ONE:

- Certified Public Accountant
- Public Accountant
- Accountant not resident in United States or any of its possessions.

**PROCESSED**  
**MAR 19 2004**

THOMSON FINANCIAL

**FOR OFFICIAL USE ONLY**

\*Claims for exemption from the requirement that the annual report be covered by the opinion of an independent public accountant must be supported by a statement of facts and circumstances relied on as the basis for the exemption. See Section 240.17a-5(e)(2).

Att  
 3/18/2004

OATH OR AFFIRMATION

I, Paul Haberman, swear (or affirm) that, to the best of my knowledge and belief the accompanying financial statement and supporting schedules pertaining to the firm of Haberman Brothers, as of December 31, 20 03, are true and correct. I further swear (or affirm) that neither the company nor any partner, proprietor, principal officer or director has any proprietary interest in any account classified solely as that of a customer, except as follows:

Handwritten signature of Paul Haberman over a horizontal line.

Signature

General Partner

Title

DIERDRE STEINHAUS AINBINDER
Notary Public, State of New York
No. 01A14899711
Qualified in Nassau County
Commission Expires July 6, 20 05

Handwritten signature of Dierdre Steinhaus Ainkinder over a horizontal line, with 'Notary Public' printed below.

This report\*\* contains (check all applicable boxes):

- Checkboxes for report contents: (a) Facing page, (b) Statement of financial condition, (c) Statement of income (loss), (d) Statement of cash flows, (e) Statement of changes in stockholders' equity or partners' or sole proprietor's capital, (f) Statement of changes in liabilities subordinated to claims of general creditors, (g) Computation of net capital for brokers and dealers pursuant to Rule 15c3-1, (h) Computation for determination of reserve requirements pursuant to Rule 15c3-3, (i) Information relating to the possession or control requirements for broker and dealers under Rule 15c3-3, (j) A reconciliation, including appropriate explanation, of the computation of net capital under Rule 15c3-1 and the computation for determination of the reserve requirements under exhibit A of Rule 15c3-3, (k) A reconciliation between the audited and unaudited statements of financial condition with respect to methods of consolidation, (l) An oath or affirmation, (m) A copy of the SIPC supplemental report, (n) A report describing any material inadequacies found to exist or found to have existed since the date of the previous audit, (o) Independent auditor's report on internal accounting control, (p) Schedule of segregation requirements and funds in segregation - customers regulated commodity futures account pursuant to Rule 171-5.

\*\*For conditions of confidential treatment of certain portions of this filing, see section 240.17a-5(e)(3).



**HABERMAN BROTHERS**

**STATEMENT OF FINANCIAL CONDITION**

**December 31, 2003**

**HABERMAN BROTHERS**

**DECEMBER 31, 2003**

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# KEMPISTY & COMPANY

CERTIFIED PUBLIC ACCOUNTANTS, P.C.

15 MAIDEN LANE - SUITE 1003 - NEW YORK, NY 10038 - TEL (212) 406-7272 - FAX (212) 513-1930

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## INDEPENDENT AUDITORS' REPORT

To the Partners of  
Haberman Brothers

We have audited the accompanying statement of financial condition of Haberman Brothers as of December 31, 2003. This financial statement is the responsibility of the Company's management. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the statement of financial condition is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the statement of financial condition. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall statement of financial condition presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the statement of financial condition referred to above presents fairly, in all material respects, the financial position of Haberman Brothers as of December 31, 2003, in conformity with accounting principles generally accepted in the United States of America.

*Kempisty & Company CPAs, P.C.*

Kempisty & Company  
Certified Public Accountants PC  
New York, New York  
February 24, 2004

**HABERMAN BROTHERS**

**STATEMENT OF FINANCIAL CONDITION**

**DECEMBER 31, 2003**

**ASSETS**

Cash and cash equivalents (Note 3)	\$	840,571
Due from clearing broker (Note 5)		108,953
Securities owned, at market (Note 7)		65,629
Contributed seat at market value		1,350,000
Other assets		<u>8,082</u>
<b>TOTAL ASSETS</b>	<b>\$</b>	<b><u><u>2,373,235</u></u></b>

**LIABILITIES AND PARTNERS' CAPITAL**

Contributed seat at market value	\$	1,350,000
Securities sold, not yet purchased, at market (Note 7)		55,412
Accounts payable		80,945
Payroll taxes payable		<u>663</u>
<b>TOTAL LIABILITIES</b>		<b>1,487,020</b>
Commitments and contingent liabilities (Note 4)		
Partners' capital		<u>886,215</u>
<b>TOTAL LIABILITIES AND PARTNERS' CAPITAL</b>	<b>\$</b>	<b><u><u>2,373,235</u></u></b>

**The accompanying notes are an integral part of these financial statements.**

# HABERMAN BROTHERS

## NOTES TO FINANCIAL STATEMENTS

December 31, 2003

### NOTE 1- ORGANIZATION AND NATURE OF BUSINESS

Haberman Brothers (a Partnership) (the "Company") is registered as a securities broker-dealer with the Securities and Exchange Commission, became a member of the National Association of Securities Dealers, Inc. in 1959 and became an associate member of the American Stock Exchange in 1988.

The Company earns commission income by introducing and forwarding as a broker, transactions and accounts of customers to another broker-dealer who carries such accounts on a fully disclosed basis. The Company also trades securities for its own account, and receives income from leasing its New York Stock Exchange seat.

### NOTE 2- SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### Revenue Recognition

Proprietary securities transactions are recorded on the trade date, as if they had settled. Profit and loss arising from all securities and commodities transactions entered into for the account and risk of the company are recorded on a trade date basis. Customer securities and commodities transactions are reported on a settlement date basis with related commission income and expenses reported on a trade date basis.

#### Concentration of Credit Risk

The Company is engaged in various investment and brokerage activities in which counterparties primarily include broker-dealers, banks, and other financial institutions. In the event counterparties do not fulfill their obligations, the Company may be exposed to risk. The risk of default depends on the creditworthiness of the counterparty or issuer of the instrument. It is the Company's policy to review, as necessary, the credit standing of each counterparty.

#### Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires the Company's management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from those estimates.

**HABERMAN BROTHERS**

**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 2003**

NOTE 2- SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Comprehensive Income

The Company adopted Statement of Financial Accounting Standards No. 130, "Reporting Comprehensive Income" ("SFAS No. 130"). SFAS No. 130 requires an entity to report comprehensive income and its components and increases financial reporting disclosures. This standard has no impact on the Company's financial position, cash flows or results of operations since no elements of the Company's comprehensive income exist other than the loss from operations.

Cash and cash equivalents

All short-term investments with an original maturity of three months or less are considered to be cash equivalents.

NOTE 3- CASH AND CASH EQUIVALENTS

Cash at December 31, 2003 included the following:

Bank overdraft	\$	(521)
Commercial Paper (maturing currently)		12,831
JP Morgan Money Market Fund		443,412
Prime Money Market Morgan Shares		384,849
	\$	<u>840,571</u>

NOTE 4- COMMITMENTS AND CONTINGENCIES

The Company utilizes office space provided by its clearing broker for a nominal fee. The rent expense charged to the Company for the year ending December 31, 2003 amounted to \$2,400.

NOTE 5- RECEIVABLE FROM BROKER-DEALERS AND CLEARING ORGANIZATIONS

Amounts receivable from the Company's clearing organization at December 31, 2003, consist of the following:

		<u>Receivable</u>
Due from clearing broker	\$	<u>108,953</u>

**HABERMAN BROTHERS**

**NOTES TO FINANCIAL STATEMENTS**

**December 31, 2003**

**NOTE 6- PROVISION FOR STATE AND LOCAL TAXES**

The Company is a Partnership and files as such with the Internal Revenue Service and state taxing authorities. The partners include the income or loss in their individual tax returns, and accordingly, no income taxes or benefits are provided for in the financial statements. The Company pays New York City unincorporated tax.

**NOTE 7- SECURITIES OWNED AND SOLD, NOT YET PURCHASED**

Marketable securities owned and sold, not yet purchased, consist of trading and investment securities at market values, at December 31, 2003 as follows:

	<u>Owned</u>	<u>Sold, Not Yet Purchased</u>
Common stock	\$ <u>65,629</u>	\$ <u>55,412</u>

**NOTE 8- NET CAPITAL REQUIREMENTS**

As a registered broker-dealer and member of the National Association of Securities Dealers, Inc., the Company is subject to Rule 15c3-1 of the Securities and Exchange Commission which requires that net capital, as defined, be at least the greater of \$100,000 or one-fifteenth of aggregate indebtedness, as defined. Net capital changes from day to day, but as of December 31, 2002, the Company had net capital of \$845,873 which exceeded requirements by \$745,873. The Company's net capital ratio was 0.0965 to 1.

**HABERMAN BROTHERS**

**NOTES TO FINANCIAL STATEMENTS**

**December 31, 2003**

**NOTE 9- EXEMPTION FROM RULE 15c3-3**

The Company is exempt from the Securities and Exchange Commission Rule 15c3-3 and, therefore, is not required to maintain a "Special Reserve Bank Account for the Exclusive Benefit of Customers".

**NOTE 10- OFF BALANCE SHEET RISK**

Pursuant to a clearance agreement, the Company will introduce all of its securities transactions to its sole clearing broker on a fully disclosed basis. Therefore, all of the customers' money balances and long and short security positions will be carried on the books of the clearing broker. Under certain conditions as defined in the clearance agreement, the Company has agreed to indemnify the clearing broker for losses, if any, which the clearing broker may sustain from carrying securities transactions introduced by the Company. In accordance with industry practice and regulatory requirements, the Company and the clearing broker monitor collateral on the securities transactions introduced by the Company.