

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

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In the Matter of the Arbitration Between:

Kenneth A. Barton and Charnie Stein, (Claimants) vs. Hampton Porter Investment Bankers and Troy Peters, (Respondents)

Case Number: 00-04319

Hearing Site: New York, New York

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**REPRESENTATION OF PARTIES**

Claimants, Kenneth A. Barton ("Barton") and Charnie Stein ("Stein"), hereinafter collectively referred to as "Claimants", appeared *pro se*.

Respondents, Hampton Porter Investment Bankers ("Hampton") and Troy Peters ("Peters"), hereinafter collectively referred to as "Respondents", did not make appearances in this matter.

**CASE INFORMATION**

Statement of Claim filed on or about: September 29, 2000.

Claimants signed the Uniform Submission Agreement: September 23, 2000.

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

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

**CASE SUMMARY**

Claimants asserted the following causes of action: unauthorized trades involving the stock of NETUSA Inc. and the stock and warrants of U.S. Laboratories Inc.

**RELIEF REQUESTED**

Claimants requested:

1. \$5,134.00 as compensatory damages for the unauthorized purchase of NETUSA Inc.;
2. \$259.19 paid in 1999 for margin interest;
3. \$21.48 paid in 2000 for margin interest; and
4. Punitive damages as seen fit by the Arbitrator.

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

Upon review of the file and the representations made by the Claimants, the undersigned arbitrator (the "Arbitrator") determined that Hampton and Peters 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 Hampton and Peters present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Hampton and Peters did not file with NASD Dispute Resolution, Inc. properly executed submissions to arbitration but are required to submit to arbitration pursuant to the Code and are bound by the determination of the Arbitrator on all issues submitted.

Although this claim was filed jointly by Kenneth A. Barton and Charnie Stein, the account in dispute was held in the individual name of Charnie Stein. Therefore, since Kenneth Barton is not a proper party to this arbitration, the Award in this matter is payable to Charnie Stein, individually.

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 the post-hearing submissions, the Arbitrator 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 Stein, only, the sum of \$5,414.67 as compensatory damages.
2. Claimants' request for punitive damages is hereby denied.
3. 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 = \$ 75.00

#### **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, Hampton Porter Investment Bankers is a party.

Member surcharge = \$300.00

#### **Forum Fees and Assessments**

The Arbitrator assesses forum fees for each hearing session conducted. A hearing 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 x \$250.00 = \$250.00

Pre-hearing conference: January 23, 2001 1 session

One (1) Hearing session x \$250.00 = \$250.00

Hearing Date: May 9, 2001 1 session

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Total Forum Fees = \$500.00

1. The Arbitrator has assessed \$250.00 of the forum fees jointly and severally against Claimants.
2. The Arbitrator has assessed \$250.00 of the forum fees jointly and severally against Respondents.

**Fee Summary**

1. Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$ 75.00
<u>Forum Fees</u>	= <u>\$250.00</u>
Total Fees	= \$325.00
<u>Less payments</u>	= <u>\$325.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

2. Hampton be and hereby is solely liable for:

<u>Member Fees</u>	= <u>\$300.00</u>
Total Fees	= \$300.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$300.00

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

<u>Forum Fees</u>	= <u>\$250.00</u>
Total Fees	= \$250.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$250.00

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

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**ARBITRATION PANEL**

Charles L. Prothero, III, Esq.

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Public Arbitrator

**Arbitrator's Signature**

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.



Charles L. Prothero, III, Esq.  
Public Arbitrator

6-25-01

Signature Date

June 29, 2001

Date of Service (For NASD office use only)