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**Award**  
NASD Dispute Resolution, Inc.

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In the Matter of the Arbitration Between:

Victor T. Nostas,  
Claimant

Vs.

First Allied Securities, Inc.  
Respondent.

Case Number: 01-00099

Hearing Site: Denver, Colorado

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**REPRESENTATION OF PARTIES**

Claimant, Victor T. Nostas, ("Nostas") represented himself.

Respondent, First Allied Securities, Inc. ("First Allied") was represented by Robert Moses, Esquire and Marion J. Vomhoff, Esquire in house attorneys located in San Diego, California.

**CASE INFORMATION**

Claimant, Victor T. Nostas, filed the Statement of Claim on or about: January 9, 2001.  
Claimant, Victor T. Nostas, signed the Uniform Submission Agreement: December 19, 2000.

Respondent, First Allied Securities, Inc. filed the Statement of Answer on or about: January 9, 2001. Donna Bartlett, on behalf of the Respondent, First Allied Securities, Inc. signed the Uniform Submission Agreement on February 28, 2001.

**CASE SUMMARY**

Claimant alleged the following causes of action against the Respondent: Failure to execute. The causes of action related to the failure to execute purchases of Broadcom stock in Claimant's account.

Unless specifically admitted in its Statement of Answer, Respondent, First Allied Securities, Inc. denied all allegations set forth in the Statement of Claim and asserted affirmative defenses including the following: The Statement of Claim fails to state a claim upon which relief may be granted; Claimant was advised of and assumed the risks of market fluctuation and these risks were the direct and proximate cause of Claimant's losses; Losses in Claimant's account, if any, were the result of unforeseen market fluctuations and volatility in the market; Claimant's action is barred, in whole or in part, on the basis that he has suffered no harm as a proximate result of any alleged action or failure to act on the part of First Allied.

#### RELIEF REQUESTED

Claimant, Nostas, requested:

Compensatory Damages	\$8,957.00
Costs	\$1,000.00
Interest	unspecified

Respondent, First Allied, requested that the Statement of Claim be dismissed in its entirety with prejudice and that this matter be expunged from its record.

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. That Respondent First Allied Securities, Inc. are liable for and shall pay Claimant Victor T. Nostas \$8,480 (eight thousand four hundred and eighty dollars) in damages;
2. That any and all relief not specifically addressed herein, is 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
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##### 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, the member firm, First Allied Securities, Inc., is a party.

Member surcharge	= \$300
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Total Member Fees = \$300

Forum Fees and Assessments

The arbitrator has the authority to assess forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), 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 the sole Arbitrator x \$250.00 = \$250  
Pre-hearing conference: May 30, 2001 1 session

Two (2) Hearing sessions x \$250.00 = \$500

Hearing Dates:

July 2, 2001 2 sessions  
Total Forum Fees = \$750

The Forum Fees are assessed Respondent First Allied Securities, Inc.

1. The Panel has assessed \$750 in forum fees to the Respondent First Allied Securities, Inc.

Fee Summary

1. Claimant, Victor T. Nostas, be and hereby is solely liable for:

Initial Filing Fee	= \$ 75
<u>Forum Fees</u>	= \$ 0
Total Fees	= \$ 75
<u>Less payments</u>	= \$ 325
Refund due Claimant:	= \$ 250

2. Respondent, First Allied Securities, Inc. be and hereby is solely liable for:

Forum Fees	= \$ 750
<u>Member Fees</u>	= \$ 300
Total Fees	= \$ 1050
<u>Less payments</u>	= \$ 1500
Refund Due Respondent:	= \$ 450

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATOR

William H. Long, Esq.

- Public, Presiding Chair

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William H. Long, Esq.  
Public Arbitrator, Presiding Chair

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Signature Date

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William H. Long, Esq.

William H. Long  
William H. Long, Esq.  
Public Arbitrator, Presiding Chair

Public, Presiding Chair

August 27, 2001  
Signature Date