

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Thomas A. Kujawski (Claimant) vs. National Securities Corporation and Brian L. Crawley (Respondents)

Case Number: 05-02390

Hearing Site: Newark, New Jersey

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

REPRESENTATION OF PARTIES

Claimant Thomas A. Kujawski hereinafter referred to as "Claimant": J. Anklowitz, Esq., Bohemia, NY.

Respondent National Securities Corporation ("NSC"): Andrew M. Heath, III, Esq., National Securities Corporation, New York, NY.

Respondent Brian L. Crawley ("Crawley") did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: May 3, 2005.

Claimant signed the Uniform Submission Agreement: April 29, 2005.

Statement of Answer filed by Respondent NSC on or about: June 17, 2005.

Respondent NSC signed the Uniform Submission Agreement: June 17, 2005.

Respondent Crawley did not file a Statement of Answer or sign the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract, negligence, failure to supervise, breach of fiduciary duty, suitability, misrepresentation, unauthorized trading, sales of securities by an unlicensed securities representative, churning and fraud. The causes of action relate to various common stock.

Unless specifically admitted in its Answer, Respondent NSC denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$68,531.87, plus punitive damages, interest, costs, attorney's fees, and other and further relief as the Panel deems just and proper including a referral for a regulatory investigation.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators (the "Panel") determined that Respondent Brian L. Crawley has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent Brian L. Crawley did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Panel on all issues submitted.

By letter dated November 7, 2005, Claimant notified NASD Dispute Resolution that he withdrew his claims against NSC.

At the hearing, Claimant moved for default judgment. The Panel reserved decision on the motion and later found for Claimant as listed below.

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. Respondent Crawley is liable for and shall pay to Claimant compensatory damages in the amount of \$42,778.00.
2. 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

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 225.00

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. Accordingly, National Securities Corporation is a party.

| | |
|-------------------------|--------------|
| Member surcharge | = \$1,100.00 |
| Pre-hearing process fee | = \$ 750.00 |
| Hearing process fee | = \$1,700.00 |

Forum Fees and Assessments

The Panel has assessed forum 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 Panel @ \$750.00 per session. = \$ 750.00
Pre-hearing conference: September 27, 2005 1 session

One (1) Hearing sessions @ \$750.00 per session. = \$ 750.00
Hearing Date: December 15, 2005 1 session

Total Forum Fees = \$1,500.00

1. The Panel has assessed \$750.00 of the forum fees against Claimant.
2. The Panel has assessed \$750.00 of the forum fees against Crawley.

Fee Summary

1. Claimant is solely liable for:

| | |
|-------------------------------------|-------------|
| Initial Filing Fee | = \$ 225.00 |
| Forum Fees | = \$ 750.00 |
| Total Fees | = \$ 975.00 |
| <u>Less payments</u> | = \$ 975.00 |
| Balance Due NASD Dispute Resolution | = \$ 0.00 |

2. Respondent NSC is solely liable for:

| | |
|-------------------------------------|---------------|
| Member Fees | = \$ 3,550.00 |
| Total Fees | = \$ 3,350.00 |
| <u>Less payments</u> | = \$ 3,550.00 |
| Balance Due NASD Dispute Resolution | = \$ 0.00 |

3. Respondent Crawley is solely liable for:

| | |
|-------------------------------------|-------------|
| Forum Fees | = \$ 750.00 |
| Total Fees | = \$ 750.00 |
| <u>Less payments</u> | = \$ 0.00 |
| Balance Due NASD Dispute Resolution | = \$ 750.00 |

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

| | | |
|----------------------------|---|--|
| Seymour E. Hollander, Esq. | - | Public Arbitrator, Presiding Chairperson |
| Robert J. McDonnell | - | Public Arbitrator |
| Steven A. Infante | - | Non-Public Arbitrator |

Concurring Arbitrators' Signatures


Seymour E. Hollander, Esq.
Public Arbitrator, Presiding Chairperson

12/22/05
Signature Date

Robert J. McDonnell
Public Arbitrator

Signature Date

Steven A. Infante
Non-Public Arbitrator

Signature Date

December 28, 2005

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Seymour E. Hollander, Esq.
Robert J. McDonnell
Steven A. Infante

- Public Arbitrator, Presiding Chairperson
- Public Arbitrator
- Non-Public Arbitrator

Concurring Arbitrators' Signatures

Seymour E. Hollander, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Robert J. McDonnell
Public Arbitrator

Dec 22, 2005
Signature Date

Steven A. Infante
Non-Public Arbitrator

Signature Date

December 28, 2005

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

| | | |
|----------------------------|---|--|
| Seymour E. Hollander, Esq. | - | Public Arbitrator, Presiding Chairperson |
| Robert J. McDonnell | - | Public Arbitrator |
| Steven A. Infante | - | Non-Public Arbitrator |

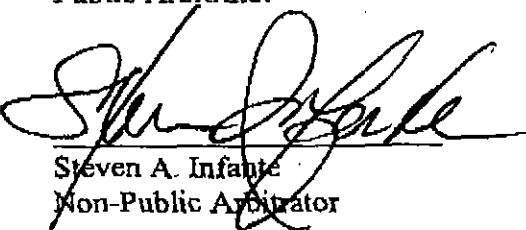
Concurring Arbitrators' Signatures

Seymour E. Hollander, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Robert J. McDonnell
Public Arbitrator

Signature Date



Steven A. Infante
Non-Public Arbitrator

12/21/05
Signature Date

December 28, 2005

Date of Service (For NASD Dispute Resolution use only)