

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC. .

In the Matter of the Arbitration Between

Robert Green

Claimant

vs.

First Florida Securities Group, Inc.

Robert C. McClure

Richard L. Hoffman

Respondents

Case #87-01707

AWARD

CASE SUMMARY

Claimant, Robert Green alleged that Respondents, First Florida Securities Group, Inc., Robert C. McClure and Richard L. Hoffman failed to liquidate JOCOM & ICOM common stock in his account. The Claimant further alleged that the Respondents breached fiduciary duties and were negligent. Respondents, First Florida Securities Group, Inc. and Robert C. McClure maintained that the trades in the Claimant's account were authorized trades and deny that the Claimant made the request to liquidate his account. Respondents, First Florida Securities Group, Inc. and Robert C. McClure maintained that even assuming the Claimant had given an order to sell at a specific price, the stock never reached the specified price set forth in the alleged sell order of the Claimant. Respondent, Richard L. Hoffman did not file a Statement of Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant, Robert Green requested damages of \$200,159.00 including interest and including a prayer for relief of \$100,000.00 in punitive damages. The Claimant also requested reimbursement of all costs in connection with the investigation and arbitration of the matter.

Respondents, First Florida Securities Group, Inc. and Robert C. McClure requested dismissal of the claim.

AWARD

On June 7, 1989, the undersigned arbitrators heard the controversy between the parties in New York City in two hearing sessions set forth in submissions to the arbitrators signed by the Claimant on July 7, 1987, by Respondent, First Florida Securities Group, Inc. on April 14, 1989, and by Respondent, Robert C. McClure on December 2, 1987. The original Statement of Claim was filed with the NASD, Inc. on September 9, 1987. Respondent, Richard L. Hoffman did not submit a signed Submission Agreement or Statement of Answer to the claim as required by Sections 12 and 25 of the Code of Arbitration Procedure despite due notice being given and failed to appear at the hearing.

The arbitration panel, having considered the pleadings, the testimony and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

1. The panel awards damages of Sixty-Seven Thousand and 00/100 Dollars (\$67,000.00) to the Claimant jointly and severally against Respondents, First Florida Securities Group, Inc. and Richard L. Hoffman. Interest is not awarded on this sum.
2. All claims of the Claimant against Robert C. McClure are dismissed.
3. Claimant's request for punitive damages is denied in all respects.
4. The parties shall each bear their respective costs including attorneys fees.
5. Forum fees of \$500.00 for the second hearing session are specifically waived by the panel pursuant to Section 43 of the Code of Arbitration Procedure.
6. Pursuant to Section 43 of the Code of Arbitration Procedure, the NASD shall retain the \$500.00 filing fee previously deposited by the Claimant as costs of the first hearing session conducted in this arbitration.

OTHER ISSUES

1. The Motion to Strike of Respondents, First Florida Securities Group, Inc. and Robert C. McClure as set forth in their joint Statement of Answer is denied in all respects.
2. Based upon representations made on the record to the panel by the Claimant's attorney, the panel found that Richard L. Hoffman did have notice of the hearing date on June 7, 1989, and the panel concluded that reasonable efforts by the NASD had been made to provide notice of the hearing date upon Richard L. Hoffman.

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ARBITRATORS CONCURRING

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David Hirshberg, Esq.

Henry H. Balter
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DATED: July 27th, 1989