

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Jayce Stephen Moore

88-01546

Name of Respondent(s)

John Bradley
Alvin Blumberg

SUMMARY OF ISSUES

This case was filed with the National Association of Securities Dealers, Inc. ("NASD") on May 12, 1988.

Claimant, Jayce Stephen Moore (Moore) alleges that Respondent Alvin W. Blumberg (Blumenberg) while employed at Respondent firms TriBradley Investments and K. A. Knapp & Co. Inc., caused certain unauthorized trades in Moore's accounts. Moore also claims against individual employees of said firms for failure to supervise Blumenberg and for allowing non blue skied stocks to be sold to a California resident.

Answering respondents denied each and every allegation in the claim and Respondent K.A. Knapp & Co. cross-claimed for damages according to proof.

DAMAGES AND RELIEF REQUESTED

Claimant Jayce Stephen Moore seeks to recover the sum of \$22,950.00, inclusive of interest and costs.

Answering Respondents seek dismissal of the suit in its entirety and Respondent K. A. Knapp & Co. Inc. counter-claims for \$14,287.50 plus cost and interest.

DAMAGES AND RELIEF AWARDED

On December 14, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant Jayce Stephen Moore on May 2, 1988 and by Respondent K.A. Knapp & Co. Inc. on July 15, 1988 and by Respondent John Schaberg on November 15, 1988. The hearing was conducted in Los Angeles California and lasted 2 Sessions.

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. Prior to the commencement of the hearing the following determinations were made by the panel:
 - a. All claims against Respondent K. A. Knapp and Co. were dismissed by the Claimant.
 - b. The counter-claim of Respondent K.A. Knapp & Co. Inc. against Jayce Stephen Moore was dismissed by the panel.
 - c. All claims against Respondent TriBradley Investments were stayed due to respondent's petition in bankruptcy.
 - d. All claims against Respondent Carrol Cathey were dismissed; however, the panel determined that Respondent Cathey would be responsible for the payment of forum fees infra.
 - e. All claims against Respondent John Schaberg were dismissed.
 - f. All claims against Respondent Paul Hartado were dismissed.
2. Following the presentation of Claimant Moore's evidence at the hearing, and consideration of the written submissions of K.A. Knapp and Co., Inc., Carrol Cathey, and TriBradley Investments, Inc., the following was determined by the panel:
 - a. Respondents John Bradley and Alvin Blumenberg are jointly and severally liable and shall pay to Claimant Jayce Stephen Moore the sum of Two Thousand Five Hundred Sixty Three Dollars and No Cents (\$2,563.00) together with interest thereon at the rate of 6% per annum from September 1, 1987 to December 1, 1990.
 - b. Respondent Alvin Blumenberg is solely liable and shall pay to Claimant Jayce Stephen Moore the sum of Seven Thousand Five Hundred Fifty Six Dollars and No Cents (\$7,556.00) together with interest thereon at the rate of 6% per annum from September 1, 1987 until paid in full.
3. The parties shall each bear their respective costs including attorneys' fees.
4. In accordance with Section 43 of the NASD Code of Arbitration Procedure, the NASD shall retain the \$750.00 filing fee previously deposited by the Claimant. In addition, Respondent Carrol Cathey is also assessed and shall pay to the NASD the sum of \$750.00 in forum fees.

OTHER ISSUES

The arbitration panel considered the motion made by Carrol Cathey that he be allowed to testify by telephone. Said motion was denied. Hearing was conducted in absentia due to the non-appearance of Carrol Cathey, John Bradley and Alvin Blumenberg.

Arbitrator(s) Signature


Frank R. Smith

Marie E. Eaton

Joyce S. Levinson

OTHER ISSUES

The arbitration panel considered the motion made by Carrol Cathey that he be allowed to testify by telephone. Said motion was denied. Hearing was conducted in absentia due to the non-appearance of Carrol Cathey, John Bradley and Alvin Blumenberg.

Arbitrator(s) Signature

Frank R. Smith

Marie E. Eaton



Joyce S. Levinson

OTHER ISSUES

The arbitration panel considered the motion made by Carol Cathay that she be allowed to testify by telephone. Said motion was denied. Hearing was conducted in absentia due to the non-appearance of Carol Cathay, John Bradley and Alvin Blumberg.

Arbitrator(s) Signature

Frank R. Smith

Maria E. Eaton

Joyce S. Levinson