

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

John Asher & Ron Colombo

Claimant

vs.

Andrew Cooper, III

Respondent

AWARD

CASE #88-03490

SUMMARY OF ISSUES

This case was filed on November 8, 1988. Claimants allege that while employed as brokers for Dean Witter Reynolds, they were contacted by Respondent who, at that time, was also employed by Dean Witter. Respondent was seeking assistance in soliciting attendees for seminars he conducted.

An agreement was reached among the parties by which Claimants were to cold-call persons off lists developed by Respondent and invite them to attend said seminars. Any subsequent commission business generated by these contacts was to be split 50-50. Shortly afterward, Respondent resigned from the firm.

Respondent alleges that no business was generated from the lists of attendees solicited by Claimants and therefore Claimants are not entitled to any compensation.

DAMAGES AND RELIEF REQUESTED

Claimants seek compensation for time expended and costs generated by their efforts amounting to approximately \$18,000.00.

Respondents seeks dismissal of the claim in its entirety plus costs and reasonable attorneys' fees.

DAMAGES AND RELIEF AWARDED

On February 12, 1990 in San Francisco the undersigned arbitrators heard the controversy in two sessions between the parties as set forth in submissions to arbitration signed by Claimant John Asher and Ron Colombo on November 3, 1988 and by Respondent Andrew Cooper, III on June 26, 1989. 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. Each and every claim of Claimant John Asher and Ron Colombo is dismissed.

2. The parties shall each bear their respective costs including attorneys' fees.

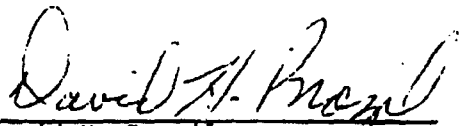
3. Pursuant to Section 43 of the National Association of Securities Dealers, Inc ("NASD") Code of Arbitration Procedure:

a) The NASD shall retain the \$400.00 filing fee previously deposited by the Claimant.

b) Respondent is assessed and shall pay to the National Association of Securities Dealers the sum of \$400.00 in forum fees.

DATE SERVED: 03/19/90

ARBITRATORS CONCURRING



David H. Brazil

Richard N. Bon

Niel G. Clem

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