

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Satya R. Sikder, Individually;
Satya R. Sikder abd Sukla Sikder;
Satya R. Sikder as custodian for
Sumona Sikder

88-03986

Name of Respondent(s)

Hamilton, Grant & Co., Inc.
Individual Securities Ltd.
Mark G. Ross

REPRESENTATION

For Claimant: Robert S. Moraff, Esq. of Schwartz, Tobia & Stanziale in
Montclair, New Jersey.

For Respondent Mark G. Ross: George H. Linck, Esq. of White Plains, New York.

Respondents Hamilton, Grant & Co., Inc. and Individual Securities Ltd. did
not appear in the proceeding.

CASE INFORMATION

Statement of Claim filed: December 22, 1988.

Claimant's Submission Agreement signed on: December 22, 1988.

Statement of Answer filed by Respondent, Mark Ross on: October 31, 1989.

Submission Agreement of Respondent Mark G. Ross signed on: November 1, 1989.

HEARING INFORMATION

Hearing Dates/Sessions: October 8, 1991/two sessions
November 27, 1991/two sessions

Hearing Location: New York City

CASE SUMMARY

Claimant(s), alleged that Respondents committed acts of fraud and reckless.

negligent conduct in the maintenance of their accounts during 1986 and 1987 by placing Claimants in securities such as Barter Resources, Mint Condition, Inc., Dependable Health Center and Repro Med Systems. Claimants also alleged deliberate and wanton failure to supervise, intentional wrongful conduct by Respondent Mark G. Ross, wrongful exercise of control by respondent Mark G. Ross over their accounts, unsuitability of invested securities, and violation of the "know your customer" rule.

Respondent Mark G. Ross denied that he exercised control over any of the Claimant's accounts or that he had any discretionary authority over them. Respondent Mark G. Ross maintained that Claimant Satya R. Sikder was a sophisticated investor, seeking greater returns on investments, that Claimant wished to speculate in low-priced securities, and that Claimant made all decisions as to purchases and sales.

RELIEF REQUESTED

Claimants requested damages for Satya R. Sikder in excess of \$145,000.00; for Satya R. Sikder and Sikula Sikder, his wife, jointly in excess of \$58,300.00; and for Satya R. Sikder as custodian for Sumona Sikder in excess of \$21,000.00; plus unspecified punitive damages, interest and attorneys fees.

Respondent Mark G. Ross requested that claims of the Claimants be dismissed in their entirety.

OTHER ISSUES CONSIDERED & DECIDED

Respondents Hamilton, Grant & Co., Inc. and Individual Securities, Ltd. did not file Statements of Answer to the Statement of Claim and did not file Submission agreements as required by Section 12 and 25 of the Code of Arbitration Procedure despite notice of the Statement of Claim in letters to each firm from the NASD, Inc. dated June 14, 1989, serving the claim upon them. The letters were sent by the U. S. Postal Service via first class mail and not returned to the NASD, Inc. as undeliverable.

Respondents Hamilton, Grant and Co., Inc. and Individual Securities, Ltd. did not appear at the hearing on October 8, 1991 or November 27, 1991 despite notice being given to them in a letter dated September 26, 1991 from the NASD, Inc. sent by the U. S. Postal Service via first class mail and not returned to the NASD, Inc. as undeliverable. Pursuant to Section 29 of the Code of Arbitration Procedure, the arbitrators chose to go forward with the hearing in this matter despite the absence of Respondents Hamilton, Grant & Co., Inc. and Individual Securities, Ltd., asserting jurisdiction over them under Section 12 of the Code of Arbitration Procedure.

The parties present at the hearing have agreed that the Award in this matter may be executed in counterpart copies by the arbitrators or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the originals remain on file with the NASD.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing and post hearing submissions the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

(1) Respondents Hamilton, Grant & Co., Inc. Individual Securities, Ltd. and Mark G. Ross are jointly and severally liable and shall pay to the Claimant Satya R. Sikder the sum of One Hundred Six Thousand Nine Hundred Thirty-Eight Dollars and No Cents (\$106,938.00);

(2) Respondents Hamilton, Grant & Co., Inc. Individuals Securities, Ltd. and Mark G. Ross are jointly and severally liable and shall pay to the Claimants Satya R. Sikder and Sikula Sikder jointly the sum of Forty Eight Thousand Fifty Six Dollars and No Cents (\$48,056.00).

(3) Respondents Hamilton, Grant & Co., Inc., Individual Securities, Ltd. and Mark G. Ross are jointly and severally liable and shall pay to Satya R. Sikder as Custodian for Sumona Sikder the sum of Fifteen Thousand Four Hundred seventy Five Dollars and No Cents (\$15,475.00).

With simple interest on each of the foregoing amounts at the rate of eight per cent per annum from December 31, 1986 through the date of payment of this award.

OTHER COSTS

(1) The parties shall bear their respective costs, including attorneys fees.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fees are assessed:

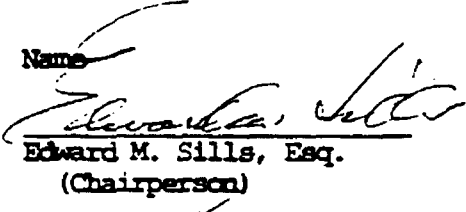
(1) Respondents Hamilton Grant and Co., Inc. Individual Securities. Ltd. and Mark G. Ross jointly and severally are assessed \$2250.00 in forum fees.

(2) The NASD, Inc. shall retain the \$750.00 hearing session deposit previously submitted by the Claimants.

Fees are payable to the National Association of Securities Dealers, Inc.

Concurring Arbitrators' Signatures

Name


Edward M. Sills, Esq.
(Chairperson)

Public Arbitrator

Public Arbitrator

Henry H. Balter

Industry Arbitrator

Edward Buckley

Date of Decision: _____

NASD DATE OF DECISION: March 13, 1992

NASD Award #88-03986

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Date of Decision: 3/6/92

NASD DATE OF DECISION: March 13, 1992