

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Brett H. Bowen

Claimant(s)

vs.

**David Futransky,
Mark Graven and
First American
Capital Resources, Inc.**

Respondent(s)

NOTICE OF ARBITRATION

AWARD

89-00736

CASE SUMMARY

Claimant(s) Brett H. Bowen alleged that Respondent(s) David Futransky, Mark Graven and First American Capital Resources, Inc. failed to execute a sell order. Respondent(s) maintains that Claimant fails to state a cause of action.

RELIEF REQUESTED

Claimant(s) Brett H. Bowen requested damages of Two Thousand Four Hundred Ninety Nine Dollars and No Cents (\$2,499.00). Respondent(s) requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Richard Meunier, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on May 3, 1989 and by Respondent(s) on May 31, 1989. The Arbitrator, having considered the proofs of the parties, has determined in full and final resolution of the issue submitted for determination as follows:

The Respondents David Futransky and First American Capital Resources, Inc. are jointly and severally liable and shall pay the sum of Six Hundred Fifty Six Dollars and Fifty Cents (\$656.50) to the Claimant.

The Claimant's claim against Mark Graven is hereby dismissed.

The Respondents' request for costs and legal expenses is denied.

The parties shall each bear their respective costs including attorney's fees.

- The \$25.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be refunded to the Claimant by the Respondents David Futransky and First American Capital Resources, Inc.

August 18, 1989