

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

IN THE MATTER OF THE ARBITRATION BETWEEN :
:
Christopher G. Cross & Christopher G. :
Cross Ltd. : Case #89-01635
:
Claimants : **AWARD**
:
vs. :
:
:
Monmouth Investments, Inc., Robert Amico :
and Network One Financial :
:
Respondents :

CASE SUMMARY

Claimants Christopher G. Cross and Christopher G. Cross Ltd. ("Claimants") alleged that Respondent Robert Amico ("Amico"), while employed with Respondent Monmouth Investments, Inc., misrepresented to the Claimants that he would put a "stop-loss" order on the Claimants' purchase of stock in Beres Industries, Inc., and that the Claimants relied upon this representation to their detriment. Claimants alleged that Amico failed to sell the stock at the price agreed upon pursuant to the "stop-loss" order, and that Amico made misrepresentations concerning the company's stock potential.

Respondent Amico contended he always acted properly and under the scope of his employment. Amico further contended the Claimant never placed a "stop-loss" order and never gave a sell order. Further, Amico contended he made no misrepresentations and relied upon the information provided to him about Beres Industries, Inc.

Respondent Network One Financial made a motion to dismiss in which it contended there existed no claim against it and that it was not a party to any transaction complained of.

Respondent Monmouth Investments, Inc. did not file an answer nor appear in these proceedings.

RELIEF REQUESTED

Claimants Christopher G. Cross and Christopher G. Cross, Ltd. requested actual damages of \$24,750.00. Respondent Robert Amico requested dismissal of all claims made against him, plus that he be awarded costs and attorney's fees. Respondent Network One Financial requested it be dismissed from these proceedings.

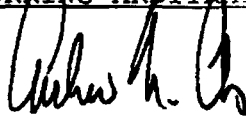
AWARD

On September 12, 1989, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants Christopher G. Cross and Christopher G. Cross Ltd. on May 30, 1989, by Respondent Robert Amico on March 5, 1990, and not by Respondents Network One Financial and Monmouth Investments, Inc. as required by Section 12 of the NASD's Code of Arbitration Procedure. The initial claim was filed on June 5, 1989. The hearing was conducted in Albany, NY and consisted of three (3) hearing 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:

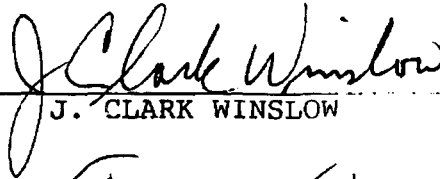
1. In accordance with Section 25 of the NASD's Code of Arbitration Procedure, the Respondent Monmouth Investments, Inc. was served with the pleadings in this matter and given an opportunity to respond; Respondent Monmouth failed to respond.
2. In accordance with Sections 21 and 26 of the Code, Respondent Monmouth Investments, Inc. was given due notice of the hearing dates and procedure; Respondent Monmouth failed to appear at the hearing.
3. Pursuant to Section 29 of the Code, the arbitrators determined that Respondent Monmouth Investments, Inc. was duly and properly served, and that the panel had proper jurisdiction over it. Therefore, the arbitrators determined to proceed with the hearing as if Monmouth Investments, Inc. had entered an appearance in this matter.
4. Pursuant to the by-laws of the NASD, Inc., the arbitrators also determined that Respondent Network One Financial was required to submit to this proceeding, and that it is bound by this panel's rulings and determinations.
5. At the hearing, the arbitrators granted Respondent Network One Financial's Motion to Dismiss. Therefore, Respondent Network One Financial was dismissed as a Respondent in this proceeding.
6. All claims against Respondent Monmouth Investments, Inc. be and hereby are dismissed in their entirety.

7. Respondent Robert Amico be and hereby is liable and shall pay to the Claimants the total sum of Three Thousand One Hundred Twenty Five Dollars and No Cents (\$3,125.00), inclusive of interest.
8. The parties each shall bear their respective costs including attorney's fees.
9. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$400.00 filing fee previously deposited by the Claimants and the Claimants be and hereby are jointly and severally liable and shall pay to the NASD, Inc. the sum of Two Hundred Dollars and No Cents (\$200.00) and Respondent Robert Amico be and hereby is liable and shall pay to the NASD, Inc. the sum of Six Hundred Dollars and No Cents (\$600.00), as costs of the three (3) hearing sessions conducted in this matter.

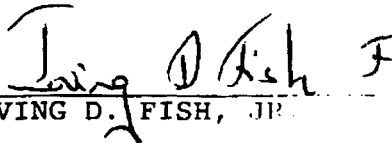
CONCURRING ARBITRATORS



ANDREW N. CARNELLI



J. CLARK WINSLOW



IRVING D. FISH, JR.

DATED: September 25th, 1990

STATE OF *New York*
COUNTY OF *Albany*

S.S.:

On this *25th* day of *September*, 1990, before me personally appeared ANDREW N. CARNELL known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.

Mary H. Dinan

MARY H. DINAN
Notary Public, State of New York
No. 6038413
Qualified in Albany County
Commission Expires January 31, 1991

STATE OF *New York*
COUNTY OF *Albany*

S.S.:

On this *25th* day of *September*, 1990, before me personally appeared J. CLARK WINSLOW known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.

Mary H. Dinan

MARY H. DINAN
Notary Public, State of New York
No. 6038413
Qualified in Albany County
Commission Expires January 31, 1991

STATE OF MASSACHUSETTS
COUNTY OF BERKSHIRE

S.S.:

On this *27th* day of *September*, 1990, before me personally appeared IRVING D. FISH, JR. known and known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he executed the same.

Maureen N. McGuire

MAUREEN N. MCGUIRE
Notary Public
My Commission Expires
September 16, 1994