

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Elena M. D'Alessandro

Claimant(s)

vs.

First Swiss International Securities
Corp., Allied Capital Group
and Tim Daubert

Respondent(s)

**NOTICE OF
ARBITRATION
AWARD
89-02799**

CASE SUMMARY

Claimant(s) Elena M. D'Alessandro alleged that Respondent(s) First Swiss International Securities Corp., Allied Capital Group and Tim Daubert made wilful misrepresentations concerning the investment quality, risk and return to be received on certain securities recommended by Respondents. Respondent Allied Capital Group, Inc. denied all allegations of the Claimant and maintained that the alleged misrepresentations occurred after Respondent Daubert left the employment of Allied Capital Group, Inc. and without any knowledge or involvement by Allied Capital Group, Inc. Respondents First Swiss International Securities Corp. and Tim Daubert failed to defend.

RELIEF REQUESTED

Claimant(s) Elena M. D'Alessandro requested damages of Three Thousand Seven Hundred Thirty Eight Dollars and Eighty Two Cents (\$3,738.82) plus punitive damages in the amount of Five Thousand Dollars and No Cents (\$5,000.00). 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, Robert L. Agosto, 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 October 6, 1989 and by Respondent Allied Capital Group, Inc. on January 11, 1990 and not by the Respondents First Swiss International Securities Corp. and Tim Daubert as required by Section 12(a) of the NASD, Inc. Code of Arbitration Procedure, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondent(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

Respondents First Swiss International Securities Corp. and Tim Daubert are jointly and severally liable and shall pay the Claimant the sum of Three Thousand Seven Hundred Thirty Eight Dollars and Eighty Two Cents (\$3,738.82), and;

The claim against Respondents for punitive damages in the amount of Five Thousand Dollars and No Cents (\$5,000.00) is dismissed in its entirety, and;

The claim of the Claimant against Respondent Allied Capital Group, Inc. is dismissed in its entirety, and said Respondent's request for costs and attorney's fees is denied.

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

The \$200.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) is assessed against Respondent First Swiss International Securities Corp. and shall be refunded to the Claimant by said Respondent.

June 6, 1990