

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Christine A. Skrha

Claimant

vs.

Norton Morgenthal

Respondent

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CASE #89-03272
AWARD

CASE SUMMARY

Claimant Christine A. Skrha alleged that Respondent Norton Morgenthal misrepresented to her that he would waive all commissions or monies that he would be entitled to receive from the Claimant's purchase of various Investment Funds in exchange for an hourly fee for his financial advisory services. Claimant further alleged the Respondent did in fact receive commissions in addition to the fee he charged the Claimant.

Respondent contended he rendered extensive professional services to the Claimant for which it was agreed that she would pay a fee. Respondent contended he fully explained to the Claimant the commission structure of each Fund, and that he informed the Claimant that he would deduct any commission he received from the Funds from the fee charged for his services. Respondent also contended he subsequently waived any and all fees he charged the Claimant, and asserted a counterclaim in which he alleged the Claimant's claims against him were frivolous.

RELIEF REQUESTED

Claimant Christine A. Skrha requested actual damages of \$11,742.15, plus punitive damages of \$12,176.15. Respondent Norton Morgenthal requested dismissal of all claims made against him plus, pursuant to his counterclaim, actual damages of \$5,000.00.

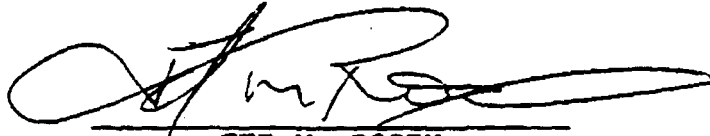
AWARD

On July 18 and August 16, 1990, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant Christine A. Skrha on November 14, 1989, and Respondent Norton Morgenthal on January

16, 1990. The initial claim was filed on November 21, 1989. The hearing was conducted at the offices of the National Association of Securities Dealers, Inc. in New York City, New York 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. Respondent Norton Morgenthal be and hereby is liable and shall pay to the Claimant Christine A. Skrha the sum of Two Thousand Three Hundred Ninety Six Dollars and Twenty Four Cents (\$2,396.24), with no interest.
2. All counterclaims against the Claimant Christine A. Skrha be and hereby are dismissed in their entirety.
3. The parties shall each bear their respective costs including attorney's fees.
4. 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 Claimant and the Respondent Norton Morgenthal be and hereby is liable and shall pay the National Association of Securities Dealers, Inc. the sum of Eight Hundred Dollars and No Cents (\$800.00) as costs of the three (3) hearing sessions conducted in this matter. Also Respondent Norton Morgenthal be and hereby is liable and shall pay to the Claimant Christine Skrha the additional sum of Four Hundred Dollars and No Cents (\$400.00) to offset the filing fee previously paid by the Claimant.

CONCURRING ARBITRATOR



TED M. ROSEN

DATED: September 11th, 1990