

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant(s)  
Paul S. & Gail Tompkins

90-01074

Name of Respondent(s)  
First Affiliated Securities, Inc.  
S. Scott Rogers  
Broadcast Cap. Corp/withdraw

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SUMMARY OF ISSUES

This case was filed with the National Association of Securities Dealers, Inc. ("NASD") on April 19, 1990.

Claimants Paul S. Tompkins and Gail L. Tompkins (Tompkins) allege that Respondent S. Scott Rodgers, (Rodgers) while employed by Respondent First Affiliated Securities, Inc. (FAS) caused a loss in Tompkins' account when Rodgers failed to follow his instructions regarding the placing of stops on Tompkins' S & P Index position.

Rodgers contends that he did not receive any clear instructions from Tompkins regarding a sale of the OEX position and therefore did not do so.

DAMAGES AND RELIEF REQUESTED

Claimant seeks to recover lost profits of \$2,500.00 , interest and costs.

Respondents seek dismissal of the claim in its entirety.

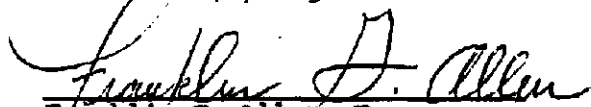
DAMAGES AND RELIEF AWARDED

On November 9, 1990, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants Paul S. Tompkins and Gail L. Tompkins on March 27, 1990 and by Respondent Bakhor Securities Corp. DBA First Affiliated Securities, Inc. on May 25, 1990 and by Respondent S. Scott Rodgers on May 25, 1990.

The hearing was conducted in San Diego, California and lasted 1 session. The arbitrator, 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. Each and every claim of Claimants Paul S. Tompkins and Gail L. Tompkins against Respondents First Affiliated Securities, Inc. and S. Scott Rodgers is dismissed.
2. The parties shall each bear their respective costs including attorneys' fees.
3. In accordance with Section 43 of the NASD Code of Arbitration Procedure, the NASD shall retain the \$25.00 filing fee previously deposited by the Claimant as an assessment of forum fees by the arbitrator.

Arbitrator(s) Signature

  
Franklin G. Allen, Esq.