

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Hak Kay Tai

90-01685

Name of Respondent(s)

Brennan Ross Securities, Inc.
Bassam H. Lahoud
Uche Akwuba

Heard before:

Name

Public/Industry

Henry Balter

Public Arbitrator

CASE SUMMARY

This claim was initiated by a Statement of Claim filed with the National Association of Securities Dealers, Inc. ("NASD") on June 13, 1990. Claimant alleged that, after Respondents represented that they would open an account with the firm's clearing agent to pay for any future purchase of 50,000 shares of common stock for him, the Respondents failed to open this informational account.

Respondent Bassam Lahoud maintained that no mention was ever made of an "informational" account, and the Claimant instructed the Respondents to purchase the shares of stock in question. Respondent Bassam Lahoud also maintained that full disclosure of the nature of the investment was given to the Claimant. Respondent Brennan Ross Securities, Inc. maintained that the Claimant unequivocally ordered the purchase of 50,000 shares of common stock and remitted a check for \$8,015.00 to pay for the order. Respondent Uche Akwuba did not file a Statement of Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant requested \$8,000.00 from the Respondents, and he would return his 50,000 shares of Dial-a-Brand stock to them.

Respondent Bassam Lahoud requested that the claims of the Claimant be dismissed. Respondent Brennan Ross Securities requested that the claims of the Claimant be dismissed and requested attorneys fees and costs. Respondent Uche Awkuba did not file a Statement of Answer to the Statement of Claim.

AWARD

On January 9, 1991 in New York City during a hearing lasting two (2) sessions, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant Hak Kay Tai on June 11, 1990, by Respondent Brennan Ross Securities, Inc. on September 11, 1990, by Respondent Bassam Lahoud on July 30, 1990 and not signed by Respondent Uche Awkuba as required by Sections 12 and 13 of the Code of Arbitration Procedure despite due notice being given. Further, Respondent Uche Awkuba did not file a Statement of Answer to the Statement of Claim despite due notice being given. Respondent Brennan Ross Securities, Inc. did not appear at the hearing in New York City on January 9, 1991 but advised the arbitrator in a letter to the NASD dated December 20, 1990 that they would rest on their written pleadings.

After considering the pleadings, the testimony, and the evidence presented at the hearing, the arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

- (1) Respondents Brennan Ross Securities, Inc., Bassam H. Lahoud and Uche Awkuba are jointly and severally liable and shall pay to the Claimant Hak Kay Tai the sum of Four Thousand Dollars and No Cents (\$4,000.00) plus interest at the current legal rate from June 13, 1990 through the date of payment of this award.
- (2) The parties shall each bear their respective costs, including attorneys fees.
- (3) Pursuant to Section 43 of the Code of Arbitration Procedure, the NASD, Inc. shall retain the \$200.00 filing fee previously deposited by the Claimant and hereby assesses \$200.00 against Respondent Bassam H. Lahoud made payable to the NASD, Inc. as costs of the two (2) hearing sessions conducted in this matter.

ARBITRATOR'S SIGNATURE


Henry H. Balter

Dated: February 6, 1991

STATE OF *New York*
COUNTY OF *New York*

S.S.:

On this *4th* day of *February*, 19*91*, before me personally appeared *Aenny Batter* to me known to me to be the individual described in and who executed the foregoing instrument and be duly acknowledged to me that he/she executed the same.

Susan J. Unger

SUSAN J. UNGER
NOTARY PUBLIC, State of New York
No. 4971387
Qualified in Nassau County
Commission Expires September 4, 19*92*