

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Name of Claimant(s)

Daniel N. Condiles

90-02053

Name of Respondent(s)

Louis Papa

Heard before:

Richard B. Laden

Public arbitrator

REPRESENTATION

Claimant was represented by Robert J. Donaghy, Esq. of Robert J. Donaghy & Associates. Respondent was represented by Fred J. Ambrose, Esq. of Ambrose Associates.

CASE SUMMARY

Claimant, Daniel N. Condiles ("Condiles") alleged that he remitted monies to the Respondent, Louis Papa ("Papa"), for the purchase of stock in Scientific Biomedical Applications, Inc. and Solar Organic Systems. Condiles alleged that despite repeated demands he only received a certificate representing a portion of stock that he purchased, and that he never received certificates evidencing the purchase of the balance of stock. Condiles also alleged that Papa breached his fiduciary duty to Condiles.

Papa contended that he did not receive nor solicit any funds from Condiles with regard to the purchases at issue, and that he was merely a conduit for the transactions and endorsed over to the president of Solar Organic Systems the check he received for the purchase of the Solar Organic Systems stock.

RELIEF REQUESTED

Condiles requested actual damages of \$9,000.00, which represents his net investment in the subject securities. Papa requested dismissal of the Statement of Claim in its entirety.

AWARD

On May 16, 1991, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant Daniel N. Condiles on July 17, 1990, and


not by Respondent Louis Papa as is required by Section 12 of the National Association Securities Dealers, Inc. ("NASD") Code of Arbitration Procedure. The initial claim was filed on July 25, 1990. The hearing was conducted at the offices of the NASD in Philadelphia, PA, and consisted of one (1) hearing 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. Pursuant to the by-laws of the NASD, the arbitrator determined that the Respondent Louis Papa was required to submit to this arbitration, and is therefore bound by this arbitrator's rulings and determinations.
2. Respondent Louis Papa be and hereby is liable and shall pay to the Claimant Daniel N. Condiles the sum of Nine Thousand Dollars And No Cents (\$9,000.00), with no interest.
3. The parties each shall bear their respective costs, including attorneys' fees.

FORUM FEES

Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$275.00 filing fee previously deposited by the Claimant, as the costs of the one (1) hearing session conducted in this matter.

CONCURRING ARBITRATOR

  
Richard B. Laden

Date of Decision: May 22, 1991