

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Kurt F. Piper

Claimant

vs.

R.B. Marich, Inc.

Respondent

Case #90-02344

AWARD

CASE SUMMARY

Kurt F. Piper, in a claim filed with the National Association of Securities Dealers, Inc. on August 23, 1990, alleged that his broker, Philip Brown, while employed with Respondent, R.B. Marich, Inc., sold him stock which was not "blue skyed" in the state of California. He states that the trade was solicited even though Mr. Brown had him sign a statement to the contrary.

Respondent, R.B. Marich, Inc., represented by Martin M. Berliner, Esq. of Berliner Boyle Kaplan & Kisser in Denver, Colorado, maintained that because Claimant's order was unsolicited, the security in question, Nona Morellis, Inc. common stock, was exempted from registration according to California law. Respondent alleged that Claimant is a knowledgeable investor who did not timely file his complaints.

Claimant replies that R.B. Marich, Inc. is responsible for the actions of Philip Brown and that Claimant filed his complaint with the NASD, Inc. as soon as all information was available to him. He affirms that he is not a sophisticated investor and reasserts the allegations in his Statement of Claim.

Respondent states that the registered representative, Philip Brown, did not take any action which was in violation of law or regulation and reiterates the positions stated in the Statement of Answer.

Claimant affirms that his purchase was solicited, that Philip Brown violated the Blue Sky Laws of California and that he is not a sophisticated investor.

RELIEF REQUESTED

Claimant requests Three Thousand Seven Hundred Five Dollars and No Cents (\$3,705.00) in damages.

Respondent requests dismissal of the Claim.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Alan Stamm, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on March 11, 1991 and by the Respondent on February 6, 1991, respectively;

And, that the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. That Claimant's Motion to Preclude be, and hereby is denied.
2. That Respondent R.B. Marich, Inc. is liable, and shall pay to the Claimant, Kurt F. Piper, the sum of Three Thousand Seven Hundred Five Dollars and No Cents (\$3,705.00).
3. The One Hundred and Twenty Five Dollar (\$125.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant is assessed against the Respondent and payable to the Claimant.

AFFIRMATION

I, ALAN STAMM, do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.



Signature of Arbitrator

DATED: May 16, 1991