

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of the Arbitration Between :

Dean Witter Reynolds, Inc. :

Claimant :

vs. :

CASE #90-08022  
AWARD

Scott H. and Robin C. Domnie :

Respondents :  
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CASE SUMMARY

Dean Witter Reynolds, Inc. by its attorney Dominick J. Dorata, New York, NY, in a claim filed with the National Association of Securities Dealers, Inc. on October 26, 1990, alleged that Respondents Scott H. and Robin C. Domnie have failed to satisfy a debit balance in their customer account.

Respondents, Scott H. and Robin C. Domnie, Pro Se, maintained that the debit in their customer account should have been reduced by One Thousand One Hundred Dollars and No Cents (\$1,100.00) if Claimant had credited Mr. Domnie's paycheck and commissions to the account as he had been told. Respondents state that Scott Domnie had been an employee of Dean Witter Reynolds, Inc. and that when his employment was terminated, his last paycheck plus some small commissions totalling One Thousand One Hundred Dollars and No Cents (\$1,100.00) were withheld. Mr. Domnie continues that he was told that that amount would be credited toward the One Thousand Six Hundred Dollars and No Cents (\$1,600.00) debit in their customer account.

Claimant replies that it denies withholding Respondent's last paycheck and denies owing Respondent any commissions. They state that Respondent earned less commissions than his draw in June 1987 and in July 1987, Respondent earned no commissions.

RELIEF REQUESTED

Claimant requests damages of Three Thousand Three Hundred Forty-Eight Dollars and Forty-Two Cents (\$3,348.42) plus interest and costs. On July 23, 1991 the relief request was amended to request Three Thousand Ten Dollars and Ninety-Two Cents (\$3,010.92) plus interest.

Respondent requests that the true amount owed be determined to be Five Hundred Dollars and No Cents (\$500.00) which they are willing to pay.

AWARD

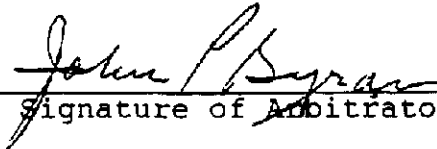
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, John P. Byram, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on October 12, 1990 and by the Respondents on July 8, 1991;

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 the Respondents, Scott H. and Robin C. Domnie, are jointly and severally liable and shall pay to the Claimant, Dean Witter Reynolds, Inc., the sum of One Thousand Five Hundred Dollars and No Cents (\$1,500.00).
2. Claimant's request for interest is denied.
3. The parties shall bear their respective costs including attorney's fees.
4. The Five Hundred Seventy-Five Dollars and No Cents (\$575.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Two Hundred Eighty-Seven Dollars and Fifty Cents (\$287.50) of which is assessed jointly and severally against the Respondents Scott H. and Robin C. Domnie who shall pay Two Hundred Eighty-Seven Dollars and Fifty Cents (\$287.50) to Dean Witter Reynolds, Inc.

AFFIRMATION

I, JOHN P. BYRAM, 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.

  
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Signature of Arbitrator .

DATED:

9/19/91