

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Sergio Meiron

vs.

91-02637

Name of Respondents

First Choice Securities

Jay Fertman

Xcel Securities

REPRESENTATION

For Claimant: Richard Sacks, Investors Recovery Service

For Respondents: No Appearance by Respondents

CASE INFORMATION

Statement of Claim filed: August 26, 1991

Claimant's Submission Agreement signed on: August 14, 1991

Respondents did not file Statements of Answer and Submission Agreements but were duly served and are subject to National Association of Securities Dealers, Inc. jurisdiction in accordance with Section 12 of the Code of Arbitration Procedure.

HEARING INFORMATION

Prehearing Conference Date/Sessions: None.

Hearing Date/Sessions: May 15, 1992 (one session)

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant alleged misrepresentations with respect to his investments in the common stocks of Tardis, Inc. and Commerce Ventures, Inc. Claimant also alleged that at the time of purchase, neither of these securities were registered with the State of California as being eligible for sale in the State of California.

Respondents did not file an answer to the claim.

RELIEF REQUESTED

Claimant requested:

1. Losses totaling \$2,080;
2. Interest totaling \$436;
3. Costs in the amount of \$1,500; and
4. Punitive damages deemed appropriate by the presiding arbitrator.

Respondents did not file an answer to the claim.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the originals remain on file with the NASD.

AWARD

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

1. All claims asserted against Respondent First Choice Securities are dismissed.
2. Respondents Jay Fertman and Xcel Securities are jointly and severally liable for and shall pay to Claimant the sum of \$2,600, inclusive of interest.
3. Respondents Jay Fertman and Xcel Securities are jointly and severally liable for and shall pay to Claimant the sum of \$10,000 in punitive damages, pursuant to California Civil Code Section 3294.
4. The parties shall each bear their respective costs.

OTHER COSTS

None.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following forum fees are assessed: The National Association of Securities Dealers, Inc. shall refund the \$100 hearing session deposit previously deposited by the Claimant. Forum Fees assessed against:

Respondents Jay Fertman and Xcel Securities jointly and severally, for the amount of \$100 calculated as follows: One hearing session times \$100/hearing session.

Fees are payable to the National Association of Securities Dealers, Inc.

ARBITRATION PANEL

Name

Public/Industry

Edward T. Swanson

Public Arbitrator

Ed Swanson

DATE SERVED: 08/26/92

Date of Decision: _____