

PUBLIC

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :

Dean Witter Reynolds, Inc. :

Claimant :

vs. :

Strategic Financial Group, Inc. :
Phillip D. Miller :

Respondents :

**CASE #91-03232
AWARD**

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on October 16, 1991, Claimant, Dean Witter Reynolds, Inc. through its representative, Dominick J. Dorata, Esq., New York, NY, alleged that Respondents, Strategic Financial Group, Inc. and Phillip D. Miller failed to pay a debit balance that was caused by a returned check for insufficient funds, in addition to checks drawn against the account. The Claimant further alleged that interest charges have increased the debit balance and that although demand for payment has been made, the Respondents have failed to respond.

Respondent, Strategic Financial Group, Inc., failed to file an Answer to the Statement of Claim.

Respondent, Phillip D. Miller failed to file an Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant, Dean Witter Reynolds, Inc. requested \$3,401.31 in actual damages, plus interest and costs.

Respondents, Strategic Financial Group, Inc. and Phillip D. Miller failed to file an Answer to the Statement of Claim.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Michael J. Esler, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on September 13, 1991 and not by the Respondents as required by Sections 12 & 13 of the NASD Code of Arbitration Procedure.

1. In accordance with Section 13 of the NASD Code of Arbitration Procedure, Respondents, Strategic Financial Group, Inc. and Phillip D. Miller were served a copy of the Statement of Claim via regular mail. This package was not returned, and the Respondents failed to file a Statement of Answer. On 2/18/92 a notice of overdue answer was forwarded to the Respondents via certified mail. The package was returned "refused", evidencing that the Respondents were at that location. On 3/4/92 notification of the arbitrator's identity was also sent via certified mail and returned "refused".
2. Pursuant to the By-Laws of the NASD the arbitrator determined that Respondents Strategic Financial Group, Inc. and Phillip D. Miller were required to submit to this arbitration proceeding and are, therefore, bound by the arbitrator's ruling and determination.

And, 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:

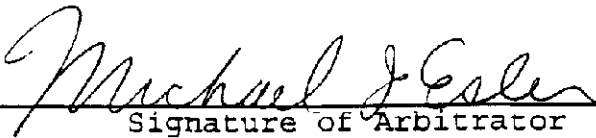
1. Respondents, Strategic Financial Group, Inc. and Phillip D. Miller are jointly and severally liable and shall pay to Claimant, Dean Witter Reynolds, Inc. \$3,401.31, plus simple interest at the rate of 11% from July 31, 1991 until date of payment of the award.
2. The parties shall bear their respective costs.
3. The \$575.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondents, Strategic Financial Group, Inc. and Phillip D. Miller

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shall pay \$575.00 to Dean Witter Reynolds,
Inc. as reimbursement.

AFFIRMATION

I, **MICHAEL J. ESLER, ESQ.**, 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

DATE OF DECISION: August 12, 1992