

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Salvadore Tony Ricca
Constance Joan Ricca

vs.

91-04076

Name of Respondent(s)

McClurg Capital Corporation
David McClurg
Bruce A. Porter

REPRESENTATION

For Claimants: William J. Moriarty, Esq., Larkspur, California

For Respondents: Jonathan Polland, Esq., Griffinger, Freed,
Heinemann, Cook and Foreman, San Francisco, California

CASE INFORMATION

Statement of Claim filed: December 24, 1991

Claimants' Submission Agreement signed on: December 9, 1991

Joint Statement of Answer filed by Respondents: July 22, 1992

Respondents' Submission Agreements signed as follows:

McClurg Capital Corporation: July 28, 1992

David McClurg: July 28, 1992

Respondent Bruce A. Porter did not submit a Submission Agreement but is subject to National Association of Securities Dealers, Inc. (NASD) jurisdiction in accordance with Section 12 of the Code of Arbitration Procedure.

HEARING INFORMATION

Prehearing Conference(s) Date(s) Sessions: None

Hearing Dates/Sessions: October 21, 1992 (two sessions)
October 22, 1992 (two sessions)
November 2, 1992 (two sessions)

Hearing Location: San Francisco, California

CASE SUMMARY

Claimants alleged misrepresentations, unsuitability and violation of securities laws with respect to investments in United States Treasury Bonds.

Respondents denied the allegations contained in Claimants' Statement of Claim.

RELIEF REQUESTED

Claimants requested:

1. The sum of \$165,184.73 relating to the Zero Coupon Bonds;
2. A full accounting of the September payment regarding the FHLMC Bonds, and the immediate remittance of such amount, together with interest on the amount of funds wrongfully retained by the Respondents;
3. Exemplary or punitive damages, in an amount to be determined by the arbitrators;
4. Costs and expenses, including reasonable attorneys' and accountants' fees; and
5. For all further relief the arbitration panel deems just and proper.

Respondents requested:

1. Claimants' Claim be dismissed and that no damages, either general or punitive be awarded against Respondents;
2. Claimants be required to pay Respondents' reasonable cost for responding to the Statement of Claim, including reasonable attorneys' fees and costs; and
3. For such other and further relief as the panel of arbitrators deems just and equitable.

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 arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. All claims by Claimants, including the claim for exemplary or punitive damages, are dismissed.

2. The parties shall each bear their respective costs including attorney's fees.

OTHER COSTS

None.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following forum fees are assessed: The NASD shall retain the \$750.00 hearing session deposit previously deposited by the Claimants as an assessment of forum fees for one session. Forum fees are to be split between the parties and are calculated as follows:

Total fees assessed		
six sessions times \$750.00/session	=	\$4,500.00
Claimants' share (50%)	=	\$2,250.00
Credit for hearing deposit	=	\$ 750.00
Balance due	=	\$1,500.00
Respondents' share, jointly and		
severally (50%)	=	\$2,250.00
Balance due	=	\$2,250.00

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

ARBITRATION PANEL

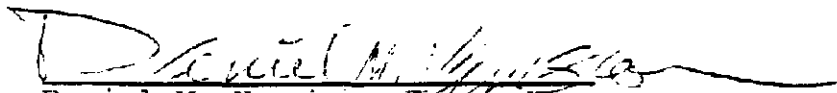
Name

Public/Industry

Daniel M. Yamshon, Esq.
Maurice Arth
Bryan F. Morse

Public Arbitrator
Public Arbitrator
Industry Arbitrator

Concurring Arbitrators' Signature


Daniel M. Yamshon, Esq.

Maurice Arth

Bryan F. Morse

Date of Decision: _____

Date Served: 12/04/92