

PUBLIC

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Nelson R. Herron

92-01208

Name of Respondent

Global America, Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on April 7, 1992, Claimant Nelson R. Herron, who appeared Pro Se, alleged that in late August, 1990, he purchased shares of Auto Depot ("AUD") by and through Barry Bendett, V.P. of Respondent Global America, Inc. Claimant further alleged that at the time of the purchase he instructed Respondent by and through Mr. Bendett to purchase 600 units of this stock but subsequently received notice that he instead purchased 300 units and 500 shares of class "A" stock. Claimant contended that he later purchased 1,000 shares of Capucino's ("CINO"). Claimant further contended that after these purchases he received a number of invoices from Respondent relating to these purchases, at which time, he spoke to Respondent by and through Mr. Bendett who assured him that his account was in order and his monthly balances showed the appropriate number of shares in the account with the exception of the AUD units and shares. Claimant asserted that on or about January 10, 1991 he instructed Respondent to sell the 300 units and 500 shares of AUD stock and to purchase an equivalent amount of CINO whereby this should have resulted in a purchase of approximately 1,260 shares of CINO at the 2 3/4 listed in the confirmation certificate for a total of 2,260 shares of CINO in his account. Claimant further asserted that on or about January 17, 1991 he received verification of the sale of AUD stock but received notice that he had purchased 2,000 shares of CINO instead of the authorized 1,260 shares of CINO, at which time, he contacted Respondent and was assured that this was just an accounting error. Claimant further alleged that due to Respondent's inappropriate handling of his account, he sustained losses and should be restored to 2,260 shares of CINO, in addition to removing any negative balance.

Respondent Global America, Inc. failed to file an Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant Nelson R. Herron requested the restoration of 2,260 shares of CINO and the deletion of any negative balances.

Respondent Global America, Inc. failed to file an Answer to the Statement of Claim.

OTHER ISSUES CONSIDERED & DECIDED

In accordance with Section 13 of the NASD Code of Arbitration Procedure the Respondent Global America, Inc. was served a copy of the Statement of Claim by regular mail on June 18, 1992 and given an opportunity to respond, which they failed to do.

Pursuant to the By-Laws of the NASD the arbitrator determined that Respondent Global America, Inc. was required to submit to this arbitration proceeding and is, therefore, bound by the arbitrator's ruling and determination.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, James A. Moore, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on June 9, 1992 and not signed by the Respondent as required by Sections 12 & 13 of the NASD Code of Arbitration Procedure.

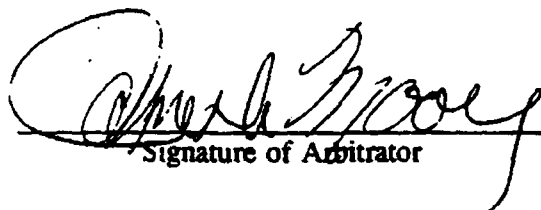
And, the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. The claim of Claimant Nelson R. Herron against Respondent Global America, Inc. is dismissed without prejudice.
2. The parties shall bear their respective costs.
3. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant Nelson R. Herron shall be retained by the NASD, Inc.

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AFFIRMATION

I, JAMES A. MOORE, 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: March 9, 1993