

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between

Name of Claimant

Albert N. Tognazzi

Case No. 92-02175

Name of Respondents

Prudential-Bache Securities Inc.  
James Gertz

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REPRESENTATION

For Claimant, Albert N. Tognazzi ("Tognazzi"): *pro se*.

For Respondent, Prudential Securities, Inc. ("Prudential") and James Gertz ("Gertz"): Carla L. Brown, Esq. of Honigman Miller Schwartz and Cohn.

CASE INFORMATION

Statement of Claim filed: June 30, 1992. Claimant's Submission Agreement signed: April 11, 1991.

Respondents' Joint Statement of Answer filed: October 5, 1992 and amended September 22, 1993. Respondents' Submission Agreement signed: October 2, 1992 by Gertz, and by Peter von Maur on behalf of Prudential.

HEARING INFORMATION

On September 28, 1993, in Fort Lauderdale, Florida, a hearing lasting 1 session was conducted.

CASE SUMMARY

Claimant alleged that during his tenure as a financial consultant with Merrill Lynch, he was continuously solicited by Respondent in an effort to persuade him to join their staff; that during those conversations, Claimant was offered a substantial signing bonus and an increased commission structure; that Claimant

### OTHER COSTS

The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

### FORUM FEES

1. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the Panel has assessed forum fees in the amount of \$750 (one session x \$750 per session).
2. Claimant is hereby assessed \$750 for which the NASD shall retain the \$750 previously deposited in full satisfaction thereof.
3. The NASD shall retain the non-refundable filing fee of \$200 paid by Claimant and \$500 paid by Respondent.
4. The NASD shall refund the session deposit of \$300 paid by Respondent.

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

Concurring Arbitrators' Signatures

/s/  
Gary M. Landau, Esq.

Public

/s/  
Norman L. Weiss

Public

/s/  
Robert P. Root

Industry

Date of Decision: \_\_\_\_\_